

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARTURO PECATO, ET AL., ACCUSED. FELIX PECATO AND ERENEO PERUDA, ACCUSED-APPELLANTS.

G.R. No. L-41008. June 18, 1987

Ponente: SARMIENTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fcc2fc8f9de5/>

SARMIENTO, J.:

Before us on automatic review is a decision[1] of the then Court of First Instance of Surigao del Norte, 15th Judicial District, Branch II, Surigao City, in Criminal Case No. 1 85, finding the accused Felix Pecato and Ereneo Peruda guilty beyond reasonable doubt of the crime of robbery with violence against or intimidation of persons as defined and penalized under Article 294 of the Revised Penal Code, sentencing them to suffer the supreme penalty of death by electrocution together with all the accessory penalties prescribed by law, to indemnify the heirs of Felix Larong in the sum of twelve thousand pesos, and to pay their proportionate share of the costs.

In an Information[2] dated February 16, 1972, the 1st Assistant Provincial Fiscal of Surigao del Norte accused Arturo Pecato, Felix Pecato, Victoriano Leyros, and Ereneo Peruda of the crime of robbery with homicide committed as follows:

x x x

x x x

x x x

That on or about the 1st day of November, 1971 in the municipality of Gigaguit, province of Surigao del Norte, Philippines and within the jurisdiction of this Honorable Court, the herein accused, Arturo Pecato, Felix Pecato, Victoriano Leyros and Ereneo Peruda, conspiring, confederating and helping one another, and armed with the following deadly weapons to wit: One revolver Cal. 22; two sharp pointed instruments; two shotguns, with intent of gain and by means of violence and intimidation on persons that is shooting Felix Larong and manhandling Uldarica Larong, his daughter, the latter sustained injuries in the different parts of her body, did then and there wilfully, unlawfully, and feloniously take, from Felix Larong and Luciana Larong, husband and wife respectively, the amount of Three Hundred Fifty (P350.00) Pesos, Philippine Currency, belonging to Felix Larong, to the damage and prejudice of the latter in the amount aforestated.

That on the occasion of said robbery and for the purpose of enabling them to take, steal and carry the amount of Three Hundred and Fifty (P350.00) Pesos, the herein accused in pursuance of their conspiracy, with intent to kill, did then and there wilfully, unlawfully and feloniously, with evident premeditation, taking advantage of superior strength, disregard of rank on account of age; in band, nighttime and treachery, attack, assault and shoot Felix Larong, with the use of firearms, thereby inflicting upon the latter, the following injuries, to wit:

- Shotgun wounds —

a — exists (sic) — irregular in shape

1.5 left iliac region

2.1 umbilicus.

b — entrance — circular in shape

located at the spinal

column between the iliac crests.

Internal examination:

a — Penetrated wounds small intestine,

— large intestine, mesenteries,

b — severed spinal column,

c — extracted pellets:

1.2. from the abdominal wall.

2.1. from the spinal column.

and as a consequence thereof cause the death of Felix Larong thereby causing moral damages to the heirs of the victim.

Contrary to Art. 294 paragraph 1 of the Revised Penal Code with the generic aggravating circumstance of treachery and the aggravating circumstance of insult or disregard of rank, in band, use of superior strength and night time.

X X X

X X X

X X X

Of the four accused, only three, Arturo Pecato, Felix Pecato, and Ereneo Peruda, were arrested. Victoriano Leyros went into hiding, evaded arrest, and has remained at large.

Upon their arraignment on February 18, 1974,[3] the three accused, Arturo Pecato, Felix Pecato, and Ereneo Peruda, pleaded not guilty. Whereupon, the trial court proceeded with the trial of the case. However, before the actual trial in the court below, specifically on June 23, 1974, the accused Arturo Pecato died, hence, "his criminal responsibility in the case whatever he may have, was extinguished." [4] However, the case proceeded and was decided against Felix Pecato and Ereneo Peruda.

The dispositive portion of the 109-page decision dated February 4, 1975, now under review, states:

X X X

X X X

X X X

WHEREFORE, in view of all the foregoing considerations, this Court hereby finds the accused FELIX PECATO and ERENEO PERUDA guilty beyond reasonable doubt of the crime of Robbery with Violence Against or Intimidation of Persons, defined and penalized under Article 294 of the Revised Penal Code, with the aggravating circumstances of treachery, disregard of rank, in band and abuse of superior strength and nighttime, with no mitigating circumstance to offset the same, and invoking the provisions of Article 294 of the same Code with respect to the aspect that the crime was committed in band, the Court hereby sentences the said two accused to suffer the supreme penalty of DEATH by electrocution together with all the accessories prescribed by law.

The same accused are hereby ordered to indemnify, jointly and severally, the heirs of Felix Larong in the sum of P12,000.00 and to pay their proportionate share of the costs.

The home-made shotgun, Exhibit "D," being one of the instruments of the crime, the same is hereby ordered forfeited in favor of the Government.

Let this case, insofar as the accused Victoriano Leyros who is at-large be archived without prejudice to its reinstatement as soon as said accused shall have been apprehended and brought to the jurisdiction of this Court.

IT IS SO ORDERED.[5]

X X X

X X X

X X X

The records of the case establish the following facts:

At about nine o'clock in the evening of November 1, 1971,[6] in Lahi, Gigaquit, Surigao del Norte, while Felix Larong, about 70 years old,[7] and his family, consisting of his wife Luciana Larong, about 85 years of age,[8] and his 31 -year old unmarried daughter,[9] Uldarica Larong, were preparing to sleep,[10] several men called from outside their small house, a one-room affair, 4½ by 5 meters (3 by 2 fathoms) in dimensions.[11] The said men after bidding the house occupants "good evening," requested that they be allowed to enter the Larongs' house.[12] Hearing these, Felix Larong opened the door of their house[13] and thereupon, four men, each carrying a gun, entered.[14]

Having thus gained entrance to and once inside the house, the four heavily armed men again greeted the house occupants[15] and with the use of flashlights they carried, illuminated the inside of the house.[16] This they did notwithstanding the presence of a lighted kerosene lamp inside the house.[17] The intruders then ordered the Larongs to lie face down on the floor[18] and demanded money from Felix Larong.[19] When the old man replied that he had no money, he was ordered to produce his pistol to which he answered that he had none.[20] At this point, Felix Larong was asked by one of the intruders whether he recognized them.[21] When he answered in the positive since he said they were still his relatives, and even while he was lying face down on the floor, one of the

men, Arturo Pecato, shot him.[22] He died as a result of the shotgun wounds he sustained.

After shooting Felix Larong, the intruders next turned their attention on Uldarica Larong and demanded money from her.[23] When she refused, she was manhandled and hit with gun butt on different parts of her body.[24] One even struck the side of her face.[25] Luciana Larong, seeing what the malefactors were doing to her daughter, ordered the latter to give them money.[26] Uldarica Larong first gave the men P 300.00, but when they still demanded for more, she gave an additional P50.00.[27] After a while, the intruders left.

Fearful that the robbers-killers would come back, Uldarica Larong and Luciana Larong went out of their house and hid themselves among the bushes nearby.[28] True enough, the robbers later returned but finding no one around, they did not tarry long.[29] After staying for only about an hour, they left.[30]

On the following morning, November 2, 1971, the robbery-killing was reported to the Police Department of Gigaquit.[31] The Chief of Police upon learning of the incident dispatched several policemen to the scene of the crime to conduct an investigation.[32] The policemen on reaching Lahi went to the house of the Larongs and there asked Luciana Larong and her daughter Uldarica Larong who perpetrated the crime. The two women positively identified and pointed to Arturo Pecato, Felix Pecato, Victoriano Leyros, and Ereneo Peruda as the criminals who robbed them and killed Felix Larong.[33]

Based on the identification made by the two Larong women, the policemen arrested on that same day Arturo Pecato and Felix Pecato at their separate residences which were also located at Lahi.[34] Ereneo Peruda was apprehended the following day, November 3, 1971, in the Poblacion of Gigaquit.[35] Victoriano Leyros was nowhere to be found and thus was never arrested.[36]

At the trial of the case, the prosecution presented five (5) witnesses, namely: Dominador Paray, one of the policemen who conducted the investigation on November 2, 1971; Judge Capistrano C. Navallo, the municipal judge of Gigaquit who conducted the preliminary examination of the accused; Nicasio Erazo, the Chief of Police of Gigaquit at the time the crime was committed; Dr. Bernardo Moran, who interpreted and explained the medical findings contained in the autopsy report on the victim Felix Larong submitted by Dr. Celso Valmores;[37] and Uldarica Larong. Incidentally, the widow of the victim, Mrs. Luciana Vda. de Laron'g, was not presented at the trial. However, her deposition dated January 16, 1973, which was taken with the express permission of the trial court,[38] was presented in evidence by the prosecution as Exhibit "C".[39]

The defense on its part presented as witnesses Felicidadario Bayla, Daniel Latorre, Encarnacion Peruda, Vicenta Pelajes Pecato, Francisco Gonzales, and the two remaining accused themselves, Felix Pecato and Ereneo Peruda.

Against the positive identification made by prosecution witnesses Uldarica Larong and the widow, the accused interposed alibi for their defense.

Accused Felix Pecato claimed that he did not commit the crime as he was at his house on that night of November 1, 1971 and never at any instance went out.[40] He stated that on the date of the incident he was sick, suffering from fever and chilling,[41] and was very weak.[42] He swore that with him that night of November 1, 1971 were his wife, their child, and his mother,[43] who massaged him,[44] and spent the night with him and his family.[45]

This alibi of appellant Felix Pecato was corroborated by his mother, Vicente Pelajes Pecato, who testified that she spent the night of November 1, 1971 in the house of her son, Felix Pecato.[46] She asserted that she was there to take care of her sick son and even massaged him.[47] She further testified that her son Felix never left the house that night[48] as he was then very weak and still recuperating from fever and chills.[49]

Appellant Ereneo Peruda, on the other hand, averred that he spent the whole night of November 1, 1971 at home

with his family and several other guests.[50] He recounted that early on that night there was a small feast held in their house as it was then his younger sister's birthday.[51] According to him, he retired to sleep at about eleven o'clock that night[52] and even shared his bed with one of their guests who stayed and spent the night at their house.[53] From that time and until eight o'clock in the morning of the next day, November 2, 1971, when he woke up, he never went out of his house.[54]

The narration made by the appellant Ereneo Peruda as to his whereabouts on the night of November 1, 1971 was supported by the testimonies of two of the defense witnesses, Felicidad Bayla and Daniel Latorre. Bayla testified that he met accused Ereneo Peruda late in the afternoon of that All Saints' Day after a cockfight,[55] and together they proceeded to the latter's house as there was a small party being held then at that place.[56] He further said that he stayed at the Peruda's place for three more hours after his arrival at about seven o'clock in the evening[57] and Ereneo never left the house all the while that he was there.[58]

Daniel Latorre testified that he also met the accused after the cockfight held that afternoon of November 1, 1971.[59] Afterwards, Daniel Latorre declared that along with several others, he went to the house of Ereneo Peruda, as there was a small feast there.[60] He narrated how he was with Ereneo Peruda the whole night of November 1, 1971. He added that he even spent that night in the Perudas' place and slept side by side with the accused, sharing a bed.[61] He stated that he never noticed the accused leave the house at any single moment the whole night of November 1, 1971.[62]

Encarnacion Peruda, an older sister of accused Ereneo Peruda's father[63] and a witness for the defense, stated that she immediately went to the house of the Larongs on November 2, 1971 after hearing of the death of Felix Larong.[64] According to her, upon reaching the place, she inquired from Uldarica Larong what happened and who did it.[65] Uldarica Larong allegedly told her (witness) that they, the Larongs, were not able to recognize the malefactors as their faces were covered or masked and they were wearing hats.[66]

Francisco Gonzales, the Municipal Mayor of Gigaquit at the time the crime was committed,[67] was presented by the accused obviously to support their accusation that they were subjected to physical maltreatment by the policemen of Gigaquit while they were under detention. However, this witness only testified that he was approached by the mother of Arturo and Felix Pecato for help regarding her sons who were then already under police custody as she was afraid that they might be mauled by the policemen.[68] Responding to the entreaty, the mayor-witness said that he summoned the Chief of Police and ordered the latter to see to it that the detainees were taken good care of.[69]

The crux of this review is the determination as to which prevails between the positive identification of the two appellants and their alibi. As already mentioned, the trial court found that herein two accused, Felix Pecato and Ereneo Peruda, guilty beyond reasonable doubt of the crime of robbery with violence against or intimidation of persons, as defined and penalized in Article 294 of the Revised Penal Code, and sentenced them to death. After a thorough review of all the evidence on record, we are constrained to affirm, as we hereby affirm, the judgment of the trial court.

While indeed, "(T)he prosecution has the onus probandi of establishing the guilt of the accused beyond reasonable doubt and the weakness of the defense does not relieve it of its duty xxx,"[70] the case at bar, we are fully satisfied that the prosecution has established a clear and positive identification of the accused. Luciana Larong and Uldarica Larong, the two prosecution witnesses who were themselves victims of the crime complaint of and subject of this criminal case, and who identified the two accused as among the perpetrators of the crime, never in the main, wavered in their testimonies. From as early as right after the incident, during the police investigation, in the lengthy and thorough preliminary investigation conducted by Municipal Judge Capistrano C. Navallo, and at

the trial of the case, these two witnesses-victims readily, positively, and unequivocally identified Arturo Pecato, Felix Pecato, Victoriano Leyros, and Ereneo Peruda as the four persons who entered their home, robbed them of P350.00, killed Felix Larong, and manhandled and pistol-whipped Uldarica Larong on that fateful night of November 1, 1971. They recognized these malefactors as there was a lighted kerosene lamp inside their house that night. The two women were certain of the identity of the four men because the latter were not wearing masks, hats, or anything to hide their identities.[71] Moreover, these witnesses and the appellants are close relatives.[72]

On the other hand, the defense tried to attribute the inculpatory testimonies and hostility of the Larongs against the appellants to the "bad blood" that allegedly exists between them. This "bad blood," which is now being foisted by the defense as the motive of the Larongs in falsely accusing the appellants and testifying against them, purportedly arose when one of the accused, Arturo Pecato, now deceased, brother of appellant Felix Pecato and a friend of appellant Ereneo Peruda, testified in a stabbing incident against Jose Escudo, a grandson of the victim Felix Larong.[73] Appellant Ereneo Peruda, on the other hand, claimed that his father was, at one time, hacked by Jose Escudo.[74]

The proffered motive has not been proven satisfactorily. Indeed, considering that the two witnesses-victims, are closely related by blood to the appellants, it would take much more than just "bad blood," engendered in the way revealed by the defense, to constrain close blood relatives to impute falsely the commission of a capital offense to other relatives which would mean the imposition of the extreme penalty of death. The Filipino psyche abhors such an irreverent and false imputation. This abomination is especially true among rural and simple folks like the Larongs. It is more likely that the Larongs had been impelled to testify against their relatives as a concomitant of their quest for justice. We agree with the trial court that the so-called "bad blood" that allegedly exists between the accused and the Larongs appears as mere illusions, concocted by them in a desperate but vain effort to be extricated from the crushing wheels of justice. Even defense witness Vicenta Pelajes Pecato in her testimony admitted that if there was indeed an ill-will between them and the Larongs, the victim, Felix Larong, endeavored to patch things up by admonishing his grandson, who was allegedly the source of the rift.[75] Thus it is shown that the claim of the defense on this score is, at best, flimsy.

It is a rule well-settled in this jurisdiction that alibi cannot prevail over the positive identification by the prosecution's witnesses of the accused as the perpetrators of the crime especially when there was no physical impossibility for the accused to be at the scene of the crime at the time of its commission.[76] The rule holds more true where the accused is positively identified by one who has no reason to charge falsely the accused with an offense that is punishable with death.[77]

The alibi presented by accused Felix Pecato is even more dubious and weak because it was attempted to be established mainly by the appellant himself and his mother, Vicente Pelajes Pecato, and not by third persons "who would, in the natural order of things, be best to support the tendered alibi." [78] In *People v. Romero*, [79] we ruled that the testimony of a mother corroborating her son's alibi scarcely merits any probative value. It is undeniably tainted with bias for it springs from the natural desire of a mother to exculpate her son from criminal liability.[80] Further, "(a)libi is at best a weak defense and easy of fabrication especially between parents and children, relatives, and even those not so related." [81]

More importantly, however, from the testimonies of the witnesses, both for the prosecution as well as for the defense, it has been proven that the two appellants, Felix Pecato and Ereneo Peruda, reside in places very near the scene of the crime,[82] In fact, it would only take them less than a two-hour trek from either place to the house of the victims.[83] Thus, there was no physical impossibility for the appellants to be at the scene of the crime on the night of November 1, 1971. But above all, the defense was not able to rebut the positive identification by Luciana Larong and Uldarica Larong of the two appellants as among the four heavily armed men who shot and killed Felix

Larong, robbed them of P350.00, and mauled Uldarica, inflicting physical injuries in the different parts of her body.

The crime committed by the accused is Robbery with Homicide as defined and penalized under Article 294 (1), of the Revised Penal Code. Felix Larong was shot to death during the robbery, We have repeatedly held that: (A)s long as homicide resulted during or because of the robbery, even if the killing is by mere accident, robbery with homicide is committed; it is only the result obtained, without reference or distinction as to the circumstances, causes, modes or persons intervening in the commission of the crime that has to be taken into consideration.[84] Further, whenever a homicide has been committed as a consequence of or on the occasion of a robbery, all those who took part as principals in the commission of the crime are also guilty as principals in the special complex crime of robbery with homicide although they did not actually take part in the homicide unless it clearly appeared that they endeavored to prevent the homicide.[85] In this instance, the evidence on record is bereft of any showing that any of the accused tried to prevent the killing of Felix Larong. What is shown instead is that they merely stood watching and did nothing when one of their companions shot the victim.[86] Additionally, the term "homicide" in robbery with homicide should be understood as a generic term and includes murder.[87]

To determine the propriety of the penalty imposed by the trial court on the accused for the crime they committed, the circumstances attendant to the commission of the crime must be considered. While the Information alleges the presence of the aggravating circumstances of treachery, insult or disregard of rank, in band, abuse of superior strength, and nighttime, the decision under review found the attendance of treachery, disregard of rank, in band, abuse of superior strength, and nighttime.

The trial court is correct in ruling that there was treachery in the commission of the crime. Felix Larong was shot to death while he was lying face down on the floor,[88] without any warning and thus was not able to defend himself at all.

The aggravating circumstances of in band, abuse of superior strength, and nighttime were likewise present in the commission of the crime. The robbers, numbering four were all armed.[89] Felix Larong, who was already 70 years old on November 1, 1971, was shot and killed by one of the robbers all of whom were younger and physically stronger. The robbers likewise especially sought nocturnity in committing the crime. This is shown by their act of providing themselves with flashlights[90] which they used in illuminating the interior of the Larong's home after they had gained entrance therein.

Additionally, the aggravating circumstance of dwelling is also present in this case inasmuch as the crime took place and was committed by the accused in the house of the victims, We have held that dwelling is an aggravating circumstance in the crime of robbery with homicide[91] as the authors thereof could have very well committed the crime without the need of violating the domicile of the victims.[92]

The aggravating circumstance of disregard of rank cannot, however, be appreciated in this case. Disregard of rank finds no application in robbery with homicide, a crime primarily against property and not against persons.[93]

The crime of robbery with homicide is punishable by reclusion perpetua to death. This case being attended by the generic aggravating circumstances of theachery, in band, abuse of superior stenght, nucturity, and dwelling without any mitigating circumstance to offset the same, and observing the provisions of Article 63, second paragraph, of the Revise Penal Code, the penalty that must be imposed on the two appellants, Felix Pecato and Ereneo Peruda, should be, as correctly meted out by the trial court, death. However, pursuant to Section 19 (1), Article III, Bill of Rights, of 1987 Constitution, the death penalty has already been abolished. Thus, the penalty imposable on the accused is only reclusion perpetua.

Parenthetically, the observation by the People in its Brief for the Appellee,[94] that the trial court should not have mentioned Article 2969 of the Revised Penal Code in its decision, is well taken. As early as in the case of *People vs. Apduhan*, [95] this Court had the occasion to state that the special aggravating circumstance of "use of unlicensed firearm" mentioned in Article 296, Revised Penal Code, is applicable only to cases of robbery committed by a band therein defined, which fall within the scope of and are punishable under Article 295 in relation to subdivisions (3), (4), and (5) of Article 294.[96]

WHEREFORE, with the above MODIFICATIONS and the increase of the indemnity that must be paid to the heirs of the late Felix Larong to Thirty Thousand Pesos (P30,000.00),[97] the decision of the trial court is hereby AFFIRMED. With costs against the accused-appellants.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, and Cortes, JJ., concur.

[1] Penned by Judge Constante L. de Peralta.

[2] Records. 64-65; Rollo. 3-4.

[3] Certificate of Arraignment; Records, 66.

[4] Decision, 5; Rollo, 9.

[5] Decision, 108-109; Rollo, 112-1 13.

[6] T.s.n., session of October 21, 1974, 25.

[7] Postmortem Examination, Exhibit "L"; Records. 3.

[8] Affidavit of Luciana Vda. de Larong, November 5, 1971. Exhibits "Fv-F-p; Records, 5-6.

[9] Affidavit of Uldarica Larong. November 5, 1971. Exhibits "G"- "G-l"; Records, 7-8.

[10] T.s.n. id., 32.

[11] Deposition of Luciana Vda. de Larong, January 16, 1973; 4; Exhibits "C"-"C-19"; Exhibits 7-23.

[12] Deposition, id., 2; also t.s.n., id., 37.

[13] Deposition, id., 2, 4; also t.s.n., id., 25, 38.

[14] Deposition, id., 3; also t.s.n., id., 28.

[15] T.s.n.. id., 47.

[16] Deposition, id., 3; also t.s.n., id., 25, 44.

[17] Deposition, id., 2-4; also t.s.n., id., 25, 36-37.

[18] Deposition, id., 3; also t.s.n., id., 43-44.

[19] Deposition, id., 1; also t.s.n., id., 26. 40.

[20] Deposition, id., 1; also t.s.n.. id., 26.

- [21] Deposition, id., 1; also t.s.n., id., 26. 40.
- [22] Deposition, id., 2; also t.s.n., id., 24. 26. 40-41.
- [23] T.s.n.. id., 26. 39-40.
- [24] Id., 49; also Affidavit of Uldarica Larong, id.
- [25] T.s.n., id.
- [26] Affidavit of Uldarica Larong, id.
- [27] Id., also t.s.n., id., 27.
- [28] T.s.n., id., 30, 45-46.
- [29] Id., 45-46.
- [30] Id.
- [31] Id., 8-9.
- [32] Id., 9.
- [33] Id., 10-12.
- [34] Id., 13; t.s.n., session of October 26. 1974, 129-132.
- [35] T.s.n.. session of October 23, 1974, 137-139.
- [36] T.s.n., session of October 21, 1974, 14.
- [37] T.s.n., session of October 22, 1974, 62-66.
- [38] See trial court's order dated November 4. 1972. Exhibit "B"; Exhibits, 3.
- [39] T.s.n., session of October 21, 1974, 6-7.
- [40] T.s.n., session of October 26, 1974, 126-127.
- [41] Id., 123. 163.
- [42] Id., 163.
- [43] Id., 124.
- [44] Id., 124-125.
- [45] Id., 165.
- [46] T.s.n., session of October 23. 1962, 222, 258.
- [47] Id., 223-225, 259.
- [48] Id., 226.
- [49] Id., 226, 260.
- [50] Id., 125-126.
- [51] Id., 125.

[52]Id., 127.

[53] Id., 127-129. 181.

[54] Id., 129.

[55] T.s.n., session of October 22. 1974, 76-77. 92, 101.

[56] Id., 11, 107.

[57] Id., 78.

[58] Id., 78, 83.

[59] T.s.n.. session of October 23. 1974, 81.

[60] Id., 84-85. 101-103.

[61] Id., 86. 109.

[62] Id., 88.

[63] T.s.n., session of November 25. 1976, 275.

[64] Id.,-265. 279.

[65] Id.. 265-266.

[66] Id., 266, 283.

[67] T.s.n., session of October 26, 1974, 117.

[68] Id., 117-119. 120.

[69] Id., 119.

[70] People v. Cruz, No. L-24424, March 30, 1970. 32SCRA 181 (1970), citing: People v. Baquiran, L-20153, June 29, 1967, 20 SCRA 451, 460- 461 (1967).

[71] T.s.n., session of October 21, 1974. 39.

[72] Id., 31-32, 33; see also Deposition, id., 3.

[73] T.s.n.. session of October 23. 1974, 240-241.

[74] T.s.n., id., 166-168; see also Brief for Defendants-Appellants, Rollo. 153; p. 14 thereof.

[75] Id., 243.

[76] People vs. Trawon, No. L-51387, February 24. 1981, 103 SCRA 170(1981); People vs. Canamo, No. L-62043, August 13, 1985, I 38 SCRA 141 (1985); People vs. Gam, Nos. L-54184-82. October 15. 1985. 139 SCRA 301 (1985).

[77] People vs. Arbois, No. L-36936, August 5, 1985, 138 SCRA 24 (1985), citing: People vs. Estante, No. L-30354, July 29, 1979, 92 SCRA 122 (1979); People vs. Cabeltes, Nos. L-38145-48. June 29. 1979.91 SCRA 208 (1979); People vs. Artieda, No. L-37825, May 15, 1979. 90 SCRA 144 (1979).

[78] People vs. Cabanit, Nos. L-62030-31, October 4. 1985, 139 SCRA 94, 101 (1985). citing: People vs. Briosos, No. L-282482. January 30, 1971. 37 SCRA 336 (1971); People vs. Bayasala, No. L-26182. May 31. 1971, 39

SCRA 236 (1971); and *People vs. Carina*, No L-33608. February 12, 1974, 55 SCRA 516 (1974).

[79] No. L-38786. December 35. 1982. 119 SCRA 234 (1982).

[80] *Id.*, 242.

[81] *People vs. Cabanit*, *supra*, citing: *People vs. Lumantas*, No. L-16383, May 30, 1962, 5 SCRA 157 (1962); *People vs. Pelagio*, No. L-16177, May 24, 1967. 20 SCRA 153 (1967); and *People vs. Bulawin*. No. L-30069, September 30, 1969. 29 SCRA 710 (1969).

[82] T.s.n., session of October 23, 1974, 175-176, 219, 260.

[83] *Id.*, 176.

[84] *People vs. Guiapar*, No. L-35465, May 31, 1984. 129 SCRA 539, 553-554 (1984).

[85] *Id.*, 554, citing: *People vs. Bautista*, 49 Phil. 389 (1926); and *U.S. vs. Macalatad*, 9 Phil. 1 (1907).

[86] T.s.n., session of October 21. 1974, 29; Deposition, *id.*, 3, 5.

[87] *People vs. Revotoc*, No. L-37425, July 25, 1981, 106 SCRA 22 (1981).

[88] T.s.n., *id.*, 27-29, 41-43; see also Deposition, *id.*, 1-3.

[89] T.s.n., *id.*, 28-29; Deposition, *id.*, 3.

[90] T.s.n.. *id.*, 25; see also Affidavit of Luciana Vda. de Larong. *id.*, Records, 6.

[91] *People vs. Veloso*, No. L-32900, February 25, 1982, 112 SCRA 173 (1982); *People vs. Garachio*, No. L-30849, March 29, 1982, 113 SCRA 131 (1982); *People vs. Dejaresco*, No. L-32701, June 19, 1984, 129 SCRA 576 (1984).

[92] *People vs. Veloso*, *supra*.

[93] *People vs. Ang*, No. L-62833, October 8, 1985, 139 SCRA 115 (1985), citing; *People vs. Pagal*, No. L-32040, October 25, 1977. 79 SCRA 570 (1977).

[94] Rollo, 169.

[95] No. L-19491, August 30, 1968, 24 SCRA 798 (1968).

[96] See also *People vs. Biruar*, Nos. L-32202-04, July 25, 1984, 130 SCRA 513 (1984); *People vs. Cruz*; 133 SCRA 416 (1984).

[97] *People vs. Biruar*, *supra*, citing; *People vs. Villeza*, No. L-56113, January 31, 1984, 127 SCRA 349 (1984); *People vs. Dela Fuente*, Nos. L-63251-52, December 29, 1983, 126 SCRA 518 (1983).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.