

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGER LARAY, REWEL RABANES, NOLI ENERIO, FEDERICO LARAY, AND GOROSPE (JUARIO) OMILAO, ACCUSED-APPELLANTS.

G.R. No. 101809. February 20, 1996

Ponente: FRANCISCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-101809/>

FRANCISCO, J.:

Before us is the appeal of ROGER LARAY, NOLI ENERIO, FEDERICO LARAY, REWEL RABANES, and GOROSPE OMILAO[1] from the decision of the Regional Trial Court of Cagayan de Oro City finding them guilty beyond reasonable doubt as principals of the crime of rape perpetrated upon HILDA JAMIS and sentencing each of them "to a penalty of RECLUSION PERPETUA with all accessories of the law and to pay jointly and severally HILDA JAMIS the sum of Thirty Thousand (P30,000.00) PESOS without, however, subsidiary imprisonment in case of insolvency." [2]

During trial, the prosecution presented its version of the facts succinctly summarized in the Appellee's Brief as follows:

"At around 7:00 o'clock in the evening of July 27, 1989, Hilda Jamis, together with her mother was at the house of Linda Pajartin in Tangcob, Libertad, Misamis Oriental. (pp. 4-5, TSN, January 29, 1990) Later, Hilda went to the benefit dance being held at the tennis court which was about thirty meters from the house of Pajartin. (pp. 6-7, Ibid.) While there, Roger Laray called her but she did not respond. (p.7, Ibid.) This prompted Roger Laray to grab her hand and pull her from her seat. (p.10, TSN, May 5, 1990) He brought her to a secluded place, with only coconut trees as mute witnesses to the disgrace and misfortune that await her. (pp. 7-8, TSN, January 29, 1990)

"Later, as if by design, Rewel Rabanes, Noli Enerio, Federico Laray and Gorospe Omilao arrived and joined Roger Laray. (pp. 8-9, Ibid.) They held Hilda Jamis (p.8, Ibid.) and took off her pants, blouse and underwear. (p. 11, Ibid., p.4, TSN, January 30, 1990 and p.37, TSN, June 1, 1990) Roger Laray then delivered a blow on Hilda's stomach causing her to fall to the ground and momentarily lose consciousness. When Hilda regained consciousness, Roger Laray was already on top of her. (pp. 17-18, TSN, May 29, 1990) He then inserted his penis in her vagina, and consummated the sexual act, while her companions held Hilda by her arms, shoulders and legs. (p.4 and 16, TSN, May 29, 1990) After Roger Laray was done, appellants Rewel Rabanes, Noli Enerio, Gorospe Omilao and Federico Laray took turns in abusing the helpless girl. (pp. 12-15, TSN, March 5, 1990)" [3]

Appellant Roger Laray refuted the charge against him by raising the defense that he and Hilda were sweethearts, thus, the sexual intercourse that happened between them on the night of July 27, 1989 was with their mutual consent. His version of what happened on the said date is as follows: In the afternoon of July 27, 1989, he went on Tangcob, Misamis Oriental to play basketball. After playing for one hour, he stayed to watch the next basketball game which lasted for about two hours. While he was watching the game, he saw his sweetheart Hilda Jamis and approached her. They talked to each other for awhile and then went their separate ways. Thereafter, he went to the

house of his cousin Efren Villanueva. Later in the evening at around 7:00 o'clock, he went back to the basketball court to watch a benefit dance which was being held thereat. Once again, he saw Hilda Jamis in the nearby waiting shed and went to her. After conversing with each other, they left the waiting shed and headed toward an uninhabited house some 300 meters from the basketball court. The said uninhabited house was the venue of a previous tryst-their first sexual intercourse sometime in March of 1988.[4]

Upon reaching the uninhabited house, he and Hilda engaged in sexual intercourse, but were interrupted by the arrival of some unidentified persons who "pulled his feet." [5] Frightened, he jumped and scampered towards the coconut trees leaving Hilda behind. He ran back to the dance, looked for his uncle and related the incident to him, but the latter refused to believe his story. After the lapse of some thirty minutes, his cousin, appellant Federico Laray agreed to accompany him to the uninhabited house to look for Hilda who, however, was no longer there.

To bolster appellant Roger Laray's contention that he and Hilda were sweethearts, the defense presented witnesses Cerilo Cabulay, Barangay Captain of Tangcob, Tarcillo Jamorol and Nilda Pacala who were one in testifying that they saw appellant Roger Laray and Hilda Jamis walking with their arms around each other's shoulder on the night of the alleged rape.

As regards the other four appellants, they uniformly denied the accusation against them and each one sought to establish his respective alibi. Appellants Noli Enerio and Rewel Rabanes testified that at around 7:00 o'clock in the evening of July 27, 1989, they were at the waiting shed near the basketball court drinking liquor with the former's wife, Leonie Enerio and the barangay captain Cerilo Cabulay, among others. Noli Enerio and his wife left the drinking spree at around 8:30 in the evening and proceeded home. On his part, Rewel Rabanes claimed to have left the waiting shed bound for his uncle's house and reached the same at 9:00 in the evening.

The defense offered the corroborative testimony of witnesses Leonie Enerio and Cerilo Cabulay to establish the alleged whereabouts of appellants Noli Enerio and Rewel Rabanes on the night of July 27, 1989.

Finally, appellants Federico Laray and Gorospe Omilao declared that on the night of the alleged rape, they were both at the house of their employers Vicente and Elsie Juario in Tangcob shredding corn. They claimed that they were employed by the couple as mango sprayers, and that they had just arrived from Lubluban where they spent the whole day spraying the mango trees of their employers. Both appellants testified that after shredding corn, they retired to the barn of Vicente Juario at around 9:00 P.M. Appellant Federico Laray alleged that while he was fetching water with which to wash himself before sleeping, he was asked by his cousin, appellant Roger Laray to accompany him to the uninhabited house where some people had threatened the latter. The alibi of both Federico Laray and Gorospe Omilao was corroborated by their employer Elsie Juario.

After trial, the lower court found all five appellants guilty beyond reasonable doubt of the crime of multiple rape. In arriving at the conviction, the lower court specified two crucial issues for resolution namely, "(a) As to accused Roger Laray: is (sic) he and private offended party, Hilda Jamis, sweethearts such that the act being with her consent, does not constitute rape?; and (b) As to accused Noli Enerio, Rewel Rabanes, Federico Laray and Gorospe Omilao (Juario): whose declaration is to be accorded weight, that of Hilda Jamis to the effect that they raped her or theirs that they did not?" [6]

The lower court resolved the first issue in favor of Hilda Jamis, declaring that in the absence of proof other than appellant Roger Laray's self-serving statements, it simply "can not swallow the claim of Roger Laray that he and Hilda were sweethearts. [7] We share the intolerance of the lower court for a claim that is obviously a fabrication and a blatant lie. Appellant Roger Laray had the burden of proving that indeed they were sweethearts, and we agree with the lower court that he miserably failed to do so. Not only was this claim categorically denied by Hilda, but there was no substantial evidence, such as love notes, mementos or pictures, presented by the appellant

to support it.[8] The absence of such evidence casts even more doubt on Roger Laray's claim in view of his allegation that he and Hilda have been sweethearts since July of 1987.[9]

The testimony of Cerilo Cabulay, Tarcillo Jamorol and Nilda Pacala to the effect that they saw appellant Roger Laray and Hilda Jamis walking with their arms around each other's shoulder on the night of the rape, if indeed true, does not prove that the two are sweethearts. Thus, as previously held by this Court:

"Appellant's claim that he and complainant were sweethearts was not substantiated by testimonial or substantial evidence. The testimony of Pedro Milan that he saw Inocencio and Lilibeth dancing does not confirm that there was a love relationship between the two, x x x. No love notes, mementos or pictures were presented by the defense to attest to the truth of appellant's claim that he and Lilibeth were sweethearts." [10]

Another circumstance which militates against appellant Roger Laray's claim that he and Hilda Jamis were sweethearts was his act of running away and leaving her behind when certain unidentified persons allegedly appeared while he and Hilda were engaged in sexual intercourse. One would expect the instinctive protectiveness of a sweetheart especially from appellant Roger Laray who alleges to have previously proposed marriage to Hilda Jamis.[11] Not only did he leave her exposed to the imminent danger posed by the presence of these intruders, but he also nonchalantly delayed in going back and rescuing her. Such is indubitably contrary to human experience.

Furthermore, even granting for the sake of argument that appellant Roger Laray and Hilda Jamis were sweethearts, that fact alone would not negate the consummation of rape. "A sweetheart cannot be forced to have sex against her will; from a mere fiancée a man cannot definitely demand sexual submission and worse, employ violence upon her on mere justification of love." [12] That the sexual act was perpetrated upon Hilda Jamis with the use of force is supported by the medical findings which show, among others, thirteen (13) abrasions in different parts of her body [13] - injuries clearly inconsistent with defense's theory that the sexual intercourse was with consent.

In an attempt to render questionable the credibility of Hilda Jamis and the veracity of her story, the defense interposed in the lower court and reiterates in this appeal, several inconsistencies in her testimony. Although the lower court acknowledged the presence of contradictions in Hilda's testimony, it concluded that they are but minor inconsistencies and trivial by nature, most likely caused by the fact that Hilda Jamis is illiterate.[14]

We are now called upon to determine the propriety of the above pronouncement of the lower court in the light of the various inconsistencies in the testimony of Hilda Jamis. The defense takes issue with the following:

"The complainant in her Affidavit dated July 29, 1989, marked exhibit "2", categorically pointed out in her answer to question No. 7, that she was brought to a dark place by Roger Laray after he grabbed her while she watched a basketball game at Tangcub, Libertad, Misamis Oriental, x x x [15]

"x x x yet her testimony in open court during the January 29, 1990 trial, was that she attended a benefit dance on the evening of July 29, 1989 (sic) at Tangcub, Libertad, Misamis Oriental and that she was pulled by Roger Laray xx x. [16]

xxx xxx xxx

"The complainant testified that when she arrived at the dance hall (tsn., March 15, 1990 trial) she did not recognize anyone therein, yet she contradicted herself when she stated during cross-examination that she saw all the accused in the dance hall (tsn., page 3, March 5, 1990 trial). [17]

"Complainant testified that after her supposed rape, she took her pants and placed it on her shoulder and she wore her blouse and bra. (tsn., page 3 March 5, 1990 trial) yet, her own mother contradicted such testimony for according to Elsa Jamis, her daughter came home nude. (tsn., page 13, December 18, 1989 trial) x x x. [18]

xxx xxx xxx

"Hilda Jamis, the complainant testified that she was boxed by accused Roger Laray that is why he (sic) was unconscious when he (sic) was supposedly raped by him (tsn., page 20, May 29, 1990 trial) but yet in her affidavit taken on July 29, 1989 at the Police Station of Libertad, Misamis Oriental she never mentioned she was boxed by Roger Laray x x x.[19]

xxx xxx xxx

"HildaJamis testified in open court that she was grabbed by accused Roger Laray while she was at the basketball court while she watched the dance and later on during cross-examination, she changed her testimony when she said that she was grabbed by Roger Laray when she was bound for the house that she stayed in."[20]

Finally, the defense points to the fact that when asked who invited her to the dance, Hilda Jamis contradicted herself several times, answering first that it was a man and on cross-examination that it was a female acquaintance who informed her of the dance to be held that evening.[21]

Although the defense has painstakingly pointed out to this Court the various inconsistencies in the testimony of Hilda Jamis, we are of the opinion that it has merely made much ado about nothing. The foregoing inconsistencies do not detract from Hilda's unwavering statements that it was appellant Roger Laray who grabbed her and brought her to a secluded place, and who, with four other men raped her mercilessly. This is an instance when the "inconsistencies in the testimony of witnesses do not per se preclude the establishment of the commission of the crime itself because there is sufficient evidence to prove that indeed the crime was committed by the accused." [22] Furthermore, well settled is the rule that inconsistencies and contradictions which are minor, trivial and inconsequential cannot impair, and on the contrary, serve to strengthen the credibility of the witness.

They are badges of truth rather than indicia of falsehood.[23] In addition, whenever an inconsistency exists between a statement in the affidavit of a witness and her testimony in open court, the latter commands greater weight.[24] Therefore, discrepancies between statements of the affiant in her affidavit and those made by her on the witness stand do not necessarily discredit her.[25]

Inconsistencies and minor lapses are to be expected when a person is recounting details of a humiliating experience which are painful to recall.[26] Hilda was testifying in open court, in the presence of strangers, on an extremely intimate matter, which is not normally talked about in public. Under such circumstances, it is not surprising that her narrative was less than letter perfect.[27] Moreover, the inconsistency may be attributed to the well-known fact that the atmosphere of the courtroom can affect the accuracy and manner of a witness in answering questions.[28]

In resolving the issue of whether or not the denial and alibi of Noli Enerio, Rewel Rabanes, Federico Laray and Gorospe Omilao can prevail over the testimony of Hilda Jamis, the lower court applied the established jurisprudence that alibi being a weak defense, it cannot prevail over the positive identification of the accused by the private offended party. We find this ruling of the lower court correct only insofar as it concerns appellant Noli Enerio who, aside from appellant Roger Laray, was the only one positively identified by Hilda as one of the perpetrators of the crime. Thus,

"Q:

As a matter of fact, you could not recognize the faces of the persons who were there, because according to you it was a dark night?

ATTY. VITORILLO

She testified that she was pulled by Roger Laray, your Honor.

COURT

Q:

How did you know the four persons, Gorospe Umilao, Rewel Rabanes, Noli Enerio and Federico Laray?

A:

Noli Enerio is my uncle."^[29]

XXXXXXXXXX

"Q:

After Rewel Rabanes fucked you who was the next?

A:

My uncle Noli Enerio.

Q:

Now why do you say that it was Noli Enerio?

A:

Because he is my uncle that is why I know him."^[30] [Italics supplied.]

That appellant Noli Enerio is the victim's uncle remains undisputed. In consideration of the relationship between them, Hilda's identification of Noli Enerio as one of the perpetrators of the crime becomes indubitable.

Unfortunately, however, the testimony of Hilda Jamis herself renders uncertain the identity of the other three men who raped her. She testified in court that the only way by which she was able to identify them was through their names which were being called out as each of them took his turn in raping her. She had never met them prior to the night of July 27, 1989, and did not clearly, if at all, see their faces while she was being raped. Likewise fatal is Hilda's assertion that she was hovering between consciousness and unconsciousness during the sexual assault against her. This casts serious doubt on her ability to properly identify the other three malefactors in view of the fact that as testified by her, only the stars illuminated the scene of the crime.^[31]

"ATTY. ADAZA

Q:

According to you Miss Jamis you were unconscious after Roger Laray place (sic) himself on top of you, who was the second person who put himself on top of you?

A:

Rewel Rabanes.

Q:

And you were unconscious after Rewel Rabanes place (sic) himself on top of you?

A:

Yes sir.

Q:

And after Rewel Rabanes place himself on top of you who was the third person who place (sic) himself on top of you?

A:

Noli Enerio.

Q:

And you were also unconscious when Noli Enerio place (sic) himself on top of you.

A:

Yes sir.

Q:

Now, after Noli Enerio place (sic) himself on top of you who was the fourth person who place (sic) himself on top of you?

A:

Gorospe Juario.

Q:

And after Gorospe Juario place (sic) himself on top of you you were unconscious?

A:

Yes sir because they were big.

Q:

And after Gorospe Juario place himself on top of you who was the next person (sic) place (sic) himself on top of you?

A:

Roger Laray. (sic)

Q:

You were also unconscious?

A:

Yes sir.

Q:

And according to you it was a very dark night when the incident occurred?

A:

It is (sic) lighted because of the stars.

Q:

According to you you met Roger Laray on July 27, 1989 and you also seen (sic) him and Gorospe Juario on that evening of July 29, 1989 is that correct?

A:

None. (sic)

Q:

You will (sic) also have not seen Gorospe Jumilao before July 27, 1989?

A:

None. (sic)

Q:

You never seen (sic) Rewel Rabanes before the incident on July 27, 1989?

A:

None. (sic)

Q:

In other words it is now very clear before this Honorable Court that you never know (sic) personally Federico Laray, Rewel Rabanes, Gorospe Juario before July 27, 1989 is that correct?

A:

Yes sir.

Q:

Now, according to you you only knew that it was Rewel Rabanes, Noli Enerio, Roger Laray, Federico Laray, Gorospe Juario on July 27, 1989 because they were talking with one another is that correct?

A:

Yes sir.

xxxxxxxxxx

Q:

Who was the person who have (sic) sexual intercourse with you after Roger Laray?

A:

Rewel Rabanes.

COURT

Q:

How did you know you said you were unconscious?

A:

Because in my mind I heard that he will be next.

ATTY. VITORILLO

Q:

But did you actually see the next person who have (sic) sexual intercourse with you is Rewel Rabanes (sic)?

ATTY. ADAZA

It is (sic) misleading question.

COURT

Reform pañero.

ATTY. VITORILLO

Q:

You stated that it was (sic) on your mind that you heard the next person (sic) will put himself on top of you is Rewel Rabanes, after hearing that what happen (sic)?

A:

He fucked me.

COURT

Who?

A:

Rewel Rabanes.

COURT

Which is which, you said that you were unconscious and then you said that you know that Rewel Rabanes had sexual intercourse (sic) with you?

ATTY. VITORILLO

Q:

What do you mean by your statement "alimadmaran"?

A:

(Naalimadmaran ko ug panimuot) meaning that I regain (sic) consciousness.

COURT

You said you were unconscious and then you were conscious which is which, so what you said to Atty. Adaza that you were unconscious is not true?

ATTY. VITORILLO

Q:

You were (sic) lost unconscious and the (sic) you regain (sic)?

A:

Yes I regained consciousness.

Q:

After Rewel Rabanes fucked you who was the next?

A:

My uncle Noli Enerio.

Q:

Now why do you say that it was Noli Enerio?

A:

Because he is my uncle that is why I know him.

Q:

How did you feel when Noli Enerio was on top of you?

ATTY. ADAZA

This was taken up in the cross your Honor.

ATTY. VITORILLO

Q:

After Noli Enerio who was the next person who had sexual intercourse (sic) with you?

A:

Gorospe Jumilao.

Q:

Now did you actually see the person the person (sic) of Gorospe Jumilao?

Q:

How did you know that it was Gorospe Jumilao?

A:

I heard Gorospe Jumilao saying that he will be the next.

Q:

Now did you actually see the person of Gorospe Jumilao?

ATTY. ADAZA

That is leading.

COURT

How did you know that it was Gorospe Jumilao, when that is the first time you saw him?

A:

Because Roger Laray told (sic) that he will be the next.

COURT

How did Roger Laray say?

A:

He said that "Gorospe" you will be the next.

ATTY. VITORILLO

Now if Roger Laray did not say that could you recognize the next person who have sexual intercourse (sic) with you?

ATTY. ADAZA

That was already asked.

COURT

Reform pañero. It is improper in redirect.

ATTY. ADAZA

I am just following up your Honor according to the witness that Roger Laray told that you will be the next.

ATTY. VITORILLO

Q:

Witness stated that she regained consciousness.

COURT

Proceed.

ATTY. VITORILLO

Q:

After Gorospe Jumilao, who is the next person who had sexual intercourse (sic)?

A:

Federico Laray.

Q:

How do you know that it was Federico Laray?

A:

Because he is the cousin of Roger Laray.

COURT

How do you know that he is the cousin of Roger Laray when that is the first time you saw him?

A:

Because Roger said that he is his cousin.

COURT

How (sic) did Roger Laray say?

A:

HE said that "you you Federico Laray will be the next." [32]

Clearly, the foregoing identification cannot support a finding of guilt beyond reasonable doubt. True it is that as a general rule, alibi is at best a weak defense and cannot prevail over the testimony of truthful witnesses. However,

"x x x, where, as in the case at bar, the evidence of the prosecution is weak and betrays lack of correctness on the question of whether or not the accused is the author of the crime, then alibi, as a defense, assumes importance. It acquires commensurate strength where no positive and proper identification of the offender has been made, as the prosecution still has the onus probandi in establishing the guilt of the accused, and the weakness of the defense does not relieve it of this responsibility. Otherwise, we would have the absurd situation where the accused is in a more difficult situation where the prosecution's evidence is weak than where it is strong. [33]

With regard to the identification of the accused, the rule in this jurisdiction is that the presumption of innocence will prevent the conviction of the accused upon the uncorroborated identification of one witness whose statements are discredited by certain circumstances. [34]

In view of the foregoing, we are left with no other recourse but to acquit appellants Rewel Rabanes, Federico Laray and Gorospe Omilao, as such is the only acceptable conclusion in the light of the inviolable right of the accused to be presumed innocent until the contrary is proved. "The contrary requires proof beyond reasonable doubt, or that degree of proof which produces a conviction in an unprejudiced mind; short of this, it is not only the right of the accused to be freed; it is, even more, the constitutional duty of the court to acquit him." [35] Nevertheless, we cannot rest at ease unless we extend to Hilda Jamis our admiration for her courage, and sympathy for her harrowing experience, anguish and humiliation.³⁶ "To her charge there is x x x an aura of truth for, unless her accusation were true, she would not lay bare her honor and reputation to the suspicion, skepticism and malicious gossip that so often greet public revelation of the loss of that which she holds dear." [37] Though Hilda Jamis may have been disappointed in her fervent hope that all five malefactors be convicted, she can perhaps find solace in the truth that ultimately, and in God's own time, the other authors of this dastardly deed will not escape divine retribution.

Finally, it is of utmost importance that this Court clarify the correct penalty which should be imposed upon each of the accused co-conspirator in a conviction for multiple rape. We have previously held that:

"The imposition on each of the accused of the penalty corresponding to two (2) crimes of rape is proper, because of the existence of conspiracy.

xxx xxx xxx

"In a long line of decided cases, it has been held by this Court that in multiple rape, each of the defendants is responsible not only for the rape committed by him, but also for those committed by the others x x x." [38] [Italics supplied.]

Also, the latest jurisprudence awards to the victim in a rape case the minimum amount of P50,000.00 as moral

damages.[39] Each of the accused co-conspirator should indemnify the victim in the amount of P50,000.00 for every count of rape committed and not just a single indemnity of P50,000.00.[40]

WHEREFORE, premises considered, the judgment of conviction appealed from is hereby AFFIRMED insofar as appellants ROGER LARAY and NOLI ENERIO are concerned, with the modification that each of them is sentenced to suffer the penalty of two (2) counts of Reclusion Perpetua with all the accessories provided by law; both of them shall pay jointly and severally the sum of P50,000.00 for every count of rape or a total of P200,000.00 to victim Hilda Jamis. The service of the said penalties shall not exceed forty (40) years pursuant to Article 70 of the Revised Penal Code. However, insofar as appellants REWEL RABANES, FEDERICO LARAY and GOROSPE OMILAO are concerned, the same judgment of conviction is REVERSED and SET ASIDE and another one is entered ACQUITTING them of the crime of multiple rape due to reasonable doubt. Their immediate release from prison is hereby ordered in the absence of any other legal cause for their continued incarceration.

SO ORDERED.

Narvasa, C.J. (Chairman), Davide, Jr., Melo, and Panganiban, JJ., concur.

[1] The original information was amended to correct an error in the name of one of the appellants, i.e., from GOROSPE JUARIO to GOROSPE OMILAO.

[2] Decision dated February 25, 1991, p. 13; Rollo, p. 37.

[3] Appellee's Brief, pp. 2-4; Rollo, p. 130.

[4] TSN, October 22, 1990, p. 18.

[5] TSN, Ibid, p. 4.

[6] Supra, p. 10; Rollo, p. 34.

[7] Ibid.

[8] People vs. Tismo, 204 SCRA 535; People vs. Soterol, 140 SCRA 400; People vs. Hacbang, 164 SCRA 441.

[9] TSN, October 22, 1990, p. 4.

[10] People vs. Soterol, supra, p. 405.

[11] TSN, October 22, 1990, p. 22.

[12] People vs. Tismo, supra, p. 554; People vs. Timbang, 189 SCRA 279; People vs. Mercado, 161 SCRA 601.

[13] EXHIBIT "E" for the prosecution; Records, p. 206.

[14] Supra, p. 12; Rollo, p. 36

[15] Appellant's Brief, pp.4-5; Rollo, pp. 74-75.

[16] *ibid.*

[17] *Ibid*, p. 5; Rollo, p. 76.

[18] *Ibid.*

[19] *Ibid.*, p. 6; Rollo, p. 77.

- [20] Ibid., p. 7; Rollo, p. 78.
- [21] Ibid., p. 10; Rollo, p. 81.
- [22] People vs. Sunga, 238 SCRA 274, 280
- [23] People vs. Ponayo, 235 SCRA 226; People vs. Querido, 229 SCRA 745, People vs. Wagay, 218 SCRA 742.
- [24] People vs. Ponayo, Ibid.; People vs. Loveria, 187 SCRA 47.
- [25] People vs. Bahuyan, 238 SCRA 330.
- [26] People vs. Bahuyan, Ibid.; People vs. Olivar, 215 SCRA 759.
- [27] People vs. Olivar, Ibid.; People vs. Magaluna, 205 SCRA 266.
- [28] People vs. Olivar, Ibid.; People vs. Como, 202 SCRA 200.
- [29] TSN, May 29, 1990, pp. 19-20
- [30] TSN, June 11, 1990, p. 13.
- [31] TSN, Ibid., p. 5.
- [32] TSN, June 11, 1990, pp. 3-6, 11-16.
- [33] People vs. Agustin, G.R. No. 114681, July 18, 1995, p. 20; People vs. Cruz, 32 SCRA 181; People vs. Peruelo, 105 SCRA 226.
- [34] U.S. v. Mondejar, 17 Phil. 159.
- [35] People v. Saldivia, 203 SCRA 470.
- [36] People vs. Salangga, 234 SCRA 407.
- [37] People vs. Pido, 200 SCRA 46.
- [38] People vs. Fernandez, 183 SCRA 511, 517-518; People vs. Jose, 37 SCRA 450; People vs. Tami, 244 SCRA 1; People vs. Alfaro, 91 Phil 404; People vs. Villa, 81 Phil 193.
- [39] People vs. Tami, ibid.; People vs. Bondoy, 222 SCRA 216; People vs. Espinoza, G.R. Nos. 113521-31, August 3, 1995.
- [40] People vs. Tami, supra; People vs. Conte, G.R. Nos. 113513-14, August 23, 1995.

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.