

ALEX JACOBO Y SEMENTELA, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 107699. March 21, 1997

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-107699/>

PANGANIBAN, J.:

Self-defense in a prosecution for homicide shifts the burden of proof to the appellant. Having admitted the killing, the accused must prove by convincing evidence the various elements of his chosen defense. On appeal, this burden becomes even more difficult as petitioner must show that the courts below committed reversible error in appreciating the evidence and the facts, for basic is the rule that factual findings of trial courts, when affirmed by the appellate court, are binding upon the Supreme Court. Where two persons agree to fight, there is no unlawful aggression; where there is no unlawful aggression, there can be no self-defense.

This is a petition for review on certiorari of the Decision, dated May 21, 1992 and the Resolution dated October 23, 1992 of the Court of Appeals in GA-G.R. CR No. 11358, affirming the trial court's judgment finding petitioner guilty of homicide.

An Information for homicide was filed against petitioner on February 5, 1988, viz.:^[1]

"That on or about April 14, 1987, in the City of Manila, Philippines, the said accused did then and there willfully (sic), unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon one ROMEO DE JESUS Y MATEO, by then and there stabbing him with a knife on the different parts of the body, thereby inflicting upon the latter mortal wounds which were the direct and immediate cause of his death thereafter.

Contrary to law."

Upon arraignment, petitioner pleaded not guilty. At the trial, he invoked self-defense. Finding that petitioner's narration was "well-nigh inconceivable" due to his vacillating statements at different stages of the trial, Judge Inocencio D. Maliaman of the Regional Trial Court of Manila, Branch 14, ruled as follows:^[2]

"WHEREFORE, finding the accused guilty of the crime charged in the Information beyond reasonable doubt, he is hereby sentenced to suffer an Indeterminate Penalty of six (6) years and one (1) day of Prision Mayor as its minimum to fourteen (14) years, eight (8) months and one (1) day of Reclusion Temporal as its maximum. He is further sentenced to indemnify the heirs of the offended party the amount of thirty thousand pesos (P30,000.00) for the death of the deceased and to pay the costs.

In the service of the sentence the accused is entitled to the provisions of Article 29 of the Revised Penal Code, as amended."

On appeal, the Second Division of the Court of Appeals^[3] affirmed the decision of the trial court, holding that the strategy adopted by appellant was "diametrically opposed to what jurisprudence exacts from an accused who professes a justifying circumstance to secure exoneration."^[4] The dispositive portion of this assailed Decision

reads:[5]

"WHEREFORE, except as to the civil indemnity to be paid by appellant which is hereby increased to fifty thousand pesos (P50,000.00) pursuant to the ruling of the Supreme Court in *People vs. Bartulay* (192 SCRA 621; 631), the decision appealed from is hereby affirmed in all other respects."

Acting on a motion for reconsideration, the Special Former Second Division[6] of Respondent Court modified the assailed Decision by holding that voluntary surrender should be considered as a mitigating circumstance in petitioner's favor. The dispositive portion of Respondent Court's impugned Resolution, dated October 23, 1992, reads:[7]

"WHEREFORE, the dispositive portion of Our decision dated May 21, 1992, stating that (')the decision appealed from is hereby affirmed in all other respects('), is hereby RECONSIDERED in that the accused-appellant, credited with the mitigating circumstance of voluntary surrender, is hereby sentenced to suffer an Indeterminate Penalty of six (6) years and one (1) day of Prison Mayor, as minimum, to ten (10) years, two (2) months and twenty-one (21) days of Reclusion Temporal, as maximum.

SO ORDERED."

Petitioner still disagreed with the modified sentence. Hence, this petition.

The Facts

The facts of the case as found by Respondent Court are as follows:[8]

"At around 5 A.M. of April 14, 1987 (i)n Extremadura, Sampaloc, Manila, during a wake over the dead son of Edilberto Bermudes, Bermudes was gathering the drinking glasses used by the mourners when he heard appellant ask if anybody would kill him. Appellant, who was holding a foot-long knife, approached Jessie Peralta who was seated asleep on a chair, and took aim at Peralta. Bermudes shouted at him to stop. Appellant desisted but next approached Romeo de Jesus who was lying down on a bench. De Jesus woke up and a quarrel between the two ensued. Appellant and De Jesus, who was likewise armed with a (')beta('), stabbed each other (TSN, pp. 5-9, 11-12, August 15, 1988, Edilberto Bermudes) and then separated, both appearing not seriously injured because they were still standing. De Jesus asked appellant why the latter was going away instead of finishing the fight. Appellant and De Jesus resumed stabbing each other until the latter suddenly fell down and appellant ran away (Supra at pp. 14-15).

Rodolfo S. Ilagan, an investigator at the Western Police District, was on duty when a report about a stabbing incident in Extremadura was received at the station. With Cpl. Pena, he proceeded to the area where they say the dead body of de Jesus which was identified by a brother of said victim. He questioned the people in the vicinity who disclosed that appellant was the culprit (TSN, p. 3, October 25, 1989, Rodolfo S. Ilagan). On April 23, 1987, appellant was brought to the police station by an agent of the NBI to whom appellant had surrendered (Supra at p. 6).

Dr. Marcial Cenido, Medico-Legal Officer of WPD who conducted the autopsy on the victim, made the following post-mortem findings, viz.:

'EXTERNAL INJURIES AND EXTENSIONS INTERNALLY :

1. Penetrating stab wound, left upper lateral thorax below the armpit by 4 cm., measuring 7 cm. x 14.5 cm. in depth, directed very slightly forwards, slightly upwards and towards the midline thru the 2nd intercostal space and incising the upper 2/3 of the 3rd rib, perforating the upper lobe of the left lung, the pericardium and the ascending aorta;
2. Non-penetrating stab wound, right upper quadrant of the abdomen, 13 cm. from the anterior midline, measuring

4.5 cm x 2.3 cm. x 8 cm. in depth, directed obliquely backwards, slightly upwards and towards the lateral thru the muscles tissue; and

3. Abrasions, left forehead and xygomatic (sic) region, tip of the left shoulder, left lower antero-lateral thorax, left upper quadrant of the abdomen, lower left antero-lateral lumbar, below the right anterior superior iliac spine, right upper posterior thorax and dorsum of the right small finger.

INTERNAL FINDINGS:

1. Stab wounds of the internal organs and tissues indicated under the internal extensions of the external wounds with recovered blood of about 300 cc. from the left thoracic cavity and generalized pallor; and

2. Recovered from the stomach a small amount of mucoid material without alcoholic odor.

CAUSE OF DEATH:

Penetrating stab wound, chest below the left armpit, perforating the left lung and ascending aorta.' (Exh. "D", p. 99, Records.)

Appellant admitted that he was drunk at the wake but that it was the victim Romeo de Jesus, a person with several pending criminal cases (TSN, pp. 3-7, December 15, 1989, Philip Santiago), and Peralta who tried to stab him. He parried the knife thrusts and did not know if he hit the victim who suddenly fell on his chest. After the incident, he surrendered to the NBI (TSN, PP. 8-12, 16, February 1, 1989)."

Evidence for the Prosecution

The prosecution presented witnesses Edilberto Bermudes, Dr. Marcial Cenedo, Dominador de Jesus and Rodolfo Ilagan. The trial court summarized their testimonies in this wise:[9]

"x x x Bermudes testified x x x that on April 14, 1987 at around 5:00 o'clock in the morning, he was then attending the wake of his son together with ten persons. While he was gathering the used glasses, he heard Alex Jacobo said, (sic) (')Who would kill me('). Then he approached Jessie Peralta who was then asleep and tried to stab him. He shouted at the accused not to stab Jessie Peralta because he was asleep. The accused desisted, and directed his aggresion (sic) against Romy de Jesus. The accused was then armed with a pointed weapon with a length of one foot, while Romy de Jesus was armed with (a) beta. The two protagonists stabbed each other and then separated. Romy de Jesus asked the accused why he was going away and not finish the fight. The two again fought and Romy de Jesus (fell) down.

On cross-examination, he testified that the deceased and the accused were near each other when the accused (should be the decedent) said: (')why do you go away why not finish the fight.(')

Jessie Peralta was sleeping three meters away from the place where the incident happened, but he did not wake up during the fight. The fight lasted for about 15 minutes. There were more than 15 people during the fight. He saw the sister-in-law of the deceased who tried to pacify them saying, (')do not stab him.(')

Dr. Marcial Cenedo, a Medico Legal Officer of the Western Police District, testified that he conducted an autopsy of the cadaver of Romeo de Jesus at the Funerario Oro in Sampaloc. He conducted the autopsy after the presentation of the identification of the body (Exhibit "A"). He prepared the skecth (sic) (Exhibit "B"), the Certificate of Death (Exhibit "C"), and the Post Mortem Examination Findings as Exhibit "A" x x x.

xxx xxx xxx

The abraisons (sic) mentioned in the foregoing Post Mortem Findings may have been caused by the struggle between the deceased and his opponent. He recovered 300 cc of blood from the left thorasic cavity resulting from hemorrhage. The small amount of mucoid material without alocholic (sic) odor was recovered from the

stomach. The only fatal wound was the wound mentioned in No. 1 in the report.

On cross-examination he (sic) testified that the penetrating wound could have been inflicted by one facing the deceased if he is right handed. The non-penetrating stab wound in the right upper equaduct of the abdomen (sic) right lower upper and the left lower and upper were likewise inflicted frontally. The penetrating (sic) wound at the upper lobe of the left lung was inflicted from the left side and frontally. This wound is the extension of injury no. 1 with the exception wound no. 1, the other injuries were superficial. (sic)

Dominador de Jesus testified that he is the brother of the deceased. They incurred the following expenses during the internment(sic): P1,050.00 for transportation, P1,120.00 for flowers, P2,000.00 for food and drinks, P410.00 for the funeral parlor, P1,020.00 for the transfer of the bones of his mother, and P700.00 for the church services or a total of P6,650.00.

Rodulfo Ilagan testified that he is a policeman assigned at Western Police District. He investigated the stabbing incident and prepared the progress report (Exhibit "I") and the Advance Police Report (Exhibit "H")."

Version of the Defense

Petitioner differed from the foregoing. He contended that he, instead of the deceased, had been the victim of an unlawful aggression, having simply reacted when confronted with a scythe. His testimony was synthesized by the trial court, to wit:[10]

"x x x (T)hat on April 15, 1987, he was then attending the wake of the son of Edilberto Bermudes when Romeo de Jesus and Jessie Peralta attacked him wounding him on both arms. Romeo de Jesus tried to stab him and said, (')you are finished, and I will finish you.(') Then Romeo de Jesus fell on his chest.

He denied having attempted to stab Jessie Peralta as he was not around during the incident and he does not know why Romeo de Jesus and Jessie Peralta assaulted him, but it maybe due to the incident that happened while the three of them had a drinking spree before the incident. While they were (')nagiinuman(') with Romeo de Jesus complained why there was no cigarette and (')polutan(') although they were nagiinuman. Because of the comment of Romeo de Jesus he went to buy cigarette. When he returned Dobby was no longer with the group so he also decided to leave, but when he was a few meters away, he heard someone shouting his name. When he looked back, he saw Romeo de Jesus and Jessie Peralta rushing towards him. He parried a thrust with his left hand and shouted (')tapos ka na('). He does not know what kind of knife which (sic) he used in killing Romeo de Jesus. He went to surrender at the NBI.

On cross examination he testified that at the NBI he gave his name as Lawrence Jacobo. The name Alex Jacobo which is stated in the Court is the name which he had been using from elementary to college. When he was about to graduate from college he started using the name Lawrence Jacobo which is his legal name.

When he was attacked, Romeo de Jesus was then armed with beta while he was not armed then. He does not recall having stabbed Romeo de Jesus. He cannot recall having grappled with Romeo de Jesus for possession of the beta.

When Romeo de Jesus tried to stab him with the beta he parried it and was injured at the forearm. He was drunk at the time of the incident. He was then in a state of confusion and he thought he was going to die so he does not know what happened. The incident happened so suddenly so he does not know whether he hit the deceased. He just fell. The deceased fell on his chest so he retreated and the deceased fell to the ground."

The defense also presented Philip Santiago, records clerk of the Office of the City Prosecutor of Manila. He testified that the decedent had a criminal record showing that he was a notorious underworld character. In several instances, a complaint or information had been filed against decedent for robbery with intimidation, malicious mischief, or violation of anti-gambling laws.

Dr. Ricardo Ibarola, an NBI medico-legal officer, testified that at about 5:00 o'clock in the afternoon of April 14, 1987, appellant had requested the NBI to examine him for injuries. His report in "Living Case No. MP 8730" states that petitioner sustained physical injuries described as follows:

"(I)ncised wounds, forearm, fresh elliptical in shape with clean-cut edges: right, upper-third posterior aspect, 2.5 cm. long, running downward medially, edges slightly-gaping, involving among others, the skin and subcutaneous tissues only; left, middle third, posterior aspect, 14.0 cm. long, running downward medially, edges, widely gaping, involving, among others, the skin and underlying soft tissues only." [11]

Ruling of the Trial Court

As earlier stated, the trial court convicted petitioner of homicide, holding that:[12]

"(There) were two individuals who testified on how the crime was committed: Edilberto Bermudes for the prosecution, and the (sic) accused for the defense. Of these two witnesses, Edilberto Bermudes testified in a more credible manner and his testimony is more credible; hence, his testimony is given full weight and credence.

Edilberto Bermudes testified to the effect that the deceased had just awakened when the accused attacked him. Hence, there was no unlawful aggression on the part of the deceased. On the contrary the unlawful aggression was on the part of the accused. Having admitted that he killed the deceased the burden is on the accused to establish the presence of any of the circumstances to relieve him from the responsibility of the offense committed. Having failed, the accused is liable for the offense.

Aside from the fact that there is much to be desired from the deportment of the accused when he (sic) testified, his testimony is not credible. While he claimed that he killed the deceased, he likewise stated that he was not around at the scene of the incident when the incident happened. These two are contradictory. Having admitted that he killed the deceased, his statement that he was not around when the incident happened contradicts his former statement. He further stated that he was drunk and did not know what happened, and that he was drunk and did not stab Romeo de Jesus. This again contradicts his admission that he killed Romeo de Jesus."

Issues

Petitioner interposes the following issues, viz.: [13]

"I. If in the course or middle of a struggle between two protagonists, and before either of them is seriously much less fatally, hurt, one of them turns and flees, and the other pursues him, and at this juncture, the pursuer is fatally stabbed by the pursued, is not the pursuer an aggressor and that the party pursued justified in killing him, considering that the pursuer was armed with a deadly weapon?

II. Should testimony in open court always prevail over a sworn statement given in a preliminary hearing held immediately following an incident even if such sworn statement or affidavit is at great variance with his open court testimony given more than one year after, when the witness had already been greatly exposed to outside factors or influences, not the least of which is his relationship to the family of the deceased, or person stabbed?"

Stated otherwise, the issues are (1) whether Respondent Court erred in ruling that there had been no unlawful aggression against petitioner and (2) whether prosecution witness Bermudes' testimony was worthy of credence despite his earlier sworn statement corroborating the petitioner's testimony.

Petitioner seeks acquittal based on the supposed unlawful aggression directed against him by the deceased. The defense intended to prove self-defense with the following evidence: (1) Bermudes' sworn statement that petitioner was walking away when he was attacked by the deceased; (2) petitioner's testimony to the same effect; and (3) the notorious character of the deceased which buttresses the allegation of unlawful aggression against petitioner.

Prologue: Consequence of Invoking Self-Defense

Upon learning that petitioner would invoke self-defense, the trial court, dispensing with the presentation of other prosecution witnesses, instructed the defense counsel to present evidence.[14] Petitioner testified that it was the deceased and Peralta who had attacked him with a "beta," forcing him to defend himself. Denying that he stabbed the deceased, he stated that he had merely parried the deceased's thrusts until the latter fell on his own knife.

Firmly entrenched is the rule that where the accused invokes self-defense, it becomes incumbent upon him to prove by clear and convincing evidence that he indeed acted in defense of himself. The burden of proving that the killing was justified and that he incurred no criminal liability therefor shifts upon him. He must rely on the strength of his own evidence and not on the weakness of that of the prosecution for, even if the prosecution evidence is weak, it cannot be disbelieved after the accused himself has admitted the killing.[15]

The Court's Ruling

Measured against this rule, the petitioner's defense is sorely insufficient. Hence, his petition must be denied.

For the sake of clarity, the issues that have been presented will be discussed in reverse order.

Credibility of Witnesses

It is the peculiar province of the trial court to determine the credibility of witnesses and related questions of fact because of its superior advantage in observing the conduct and demeanor of witnesses while testifying. Thus, it has become a well-settled rule that where the issue touches on the credibility of witnesses or factual findings, the appellate court will generally not disturb the findings of the trial court, unless some facts or circumstances that may affect the result of the case have been overlooked.[16]

Respondent Court affirmed the decision of the trial court, giving full faith and credence to the testimony of prosecution witness Bermudez despite his earlier affidavit or "Salaysay" for the reason that:[17]

"x x x (A)ffidavits are incomplete reproduction of what the declarant had in mind because they are generally prepared by the administering officer and the affiant simply signs them after the same have been read to him (People vs. Coquillo, et al., (CA) 54 O.G. 5516; People vs. Marquina, et al., 46 O.G. 6053, cited in Remedial Law Compendium, by Regalado, Volume 2, 1985 Fourth Revised Edition, page 465-466). And as the infirmity of affidavits as a species of evidence is much a matter of judicial cognizance, the (')Salaysay(') from Edilberto Bermudez may not thus be treated as the complete repository of truth with respect to the query of who was the unlawful aggressor. Verily, the reliance placed on this piece of document by appellant is but a subtle ploy designed to shift the onus probandi from his shoulders to that of the appellee."

We agree. "An affidavit being taken ex parte is almost always incomplete and often inaccurate, sometimes from partial suggestion, and sometimes from want of suggestion and inquiries, without the aid of which the witness may be unable to recall the connected collateral circumstances necessary for the correction of the first suggestion of his memory and for his accurate recollection of all that belongs to the subject." [18] An affidavit will not always disclose all the facts and will, oftentimes and without design, describe some occurrences without the deponent detecting inaccuracies or contradictions.[19]

As a matter of fact, the Salaysay and Bermudes' testimony in court are not grossly inconsistent with each other. The Salaysay stated:[20]

"Tapus nilapitan naman niya itong namatay na si Romy de Jesus na nakahiga at tapus tumalikod na siya at naglakad ng papalayo, pero itong si Romy de Jesus ay tumayo at sinigawan siya ng 'ituloy na natin iyan' at sinugod niya itong papalayong si Alex, at noon sila nagharap x x x"

This is substantially the same as his direct testimony that the deceased asked petitioner-why he was walking away instead of finishing the fight. They resumed stabbing each other as a result. Clearly, in both the Salaysay and Bermudes' testimony, the deceased and the petitioner agreed to fight. This was what the trial court had found and what Respondent Court affirmed. It must also be mentioned that the defense counsel allowed the case to be submitted for decision without cross-examining Bermudes, failing thereby to take advantage of an opportunity to impeach (assuming that he could) Bermudes' credibility and testimony.

Thus, we quote with concurrence the decision of the trial court that:[21]

"The(r)e were two individuals who testified on how the crime was committed: Edilberto Bermudes for the prosecution, and the (sic) accused for the defense. Of these two witnesses, Edilberto Bermudes testified in a more credible manner and his testimony is more credible; hence, his testimony is given full weight and credence."

No Unlawful Aggression Where Protagonists Agreed to Fight

It is a hornbook doctrine that when self-defense is invoked, the burden of evidence shifts to the appellant to prove the elements of that claim,[22] i.e., (1) unlawful aggression on the part of the victim, (2) reasonable necessity of the means employed to prevent or repel it, and (3) lack of sufficient provocation on the part of the person defending himself.[23] But absent the essential element of unlawful aggression, there is no self-defense.[24]

In the case at bar, the Court finds that the evidence on record does not support petitioner's contention that the unlawful aggressor was the deceased.

Firstly, the trial court did not give credence to petitioner's testimony because "(a)side from the fact that there is much to be desired from the deportment of the accused when he (sic) testified, his testimony is not credible. x x x" Respondent Court found that:[25]

"x x x During the proceedings below, he pointed to the deceased and the latter's companion as the unlawful assailants without elaborating on this vital aspect (TSN, February 1, 1989, page 6-7). Yet, when he was recalled for additional cross-examination, he could no longer recollect whether he stabbed the deceased to arrest the so-called impending physical harm to his life and limb (TSN, June 28, 1989, page 34). Later, he affirmed the contents of his counter-affidavit to the effect that he stabbed the victim to save his life (TSN, June 28, 1989, page 4). All told, the series of elastic representations can but cast serious pitfalls on his credibility since an experience of this nature will definitely linger in one's mind unlike the unusual amnesia displayed by appellant before the court a quo. The point is, appellant has not done much to turn the tide, so to speak, to his side (People vs. Arroyo, 201 SCRA 616; 625)."

We agree. The gist of petitioner's testimony is that he does not remember having stabbed the deceased. It is inconsistent with self-defense which in essence is an admission of the killing in order to preserve one's life or limb. Being evasive, such testimony does not help at all in establishing self-defense.

Further, petitioner's self-defense is not corroborated by separate competent evidence. Pitted against Bermudes' testimony, it pales in comparison and loses probative value. The plea of self-defense cannot be justifiably entertained where it is not only uncorroborated by any separate competent evidence but also extremely doubtful in itself.[26]

Secondly, as pointed out by Respondent Court, the aspersion cast by the defense on the deceased as the badge of notoriety in the neighborhood" exposed the weakness of its cause. True, the moral character of the offended party may be proven in evidence to establish "in any reasonable degree" the probability of the offense charged,[27] and his quarrelsome nature may indicate that he started the unlawful aggression. However, such evidence presented merely to establish a probability cannot prevail over facts sufficiently proven during trial.[28] Thirdly and more

importantly, where the parties mutually agree to fight, it becomes immaterial who attacks or receives the wound first, for the first act of force is incidental to the fight itself and in no wise is it an unwarranted and unexpected aggression which alone can legalize self-defense.[29] In this situation, the circumstances modifying criminal liability cannot be applied to either party. Consequently, the juristic idea of self-defense is precluded.[30]

Finally, the question of whether appellant acted in self-defense is essentially a question of fact.[31] This being so and in the absence of a showing that Respondent Court and the trial court failed to appreciate facts or circumstances of such weight and substance that would have merited the appellant's acquittal, this Court finds no compelling reason to disturb the ruling of Respondent Court that appellant did not act in self defense.

The Proper Penalty

With regard to the penalty, a modification is in order. The trial court sentenced appellant to an indeterminate penalty of six (6) years and one (1) day of prision mayor as its minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as its maximum, although it did not appreciate any mitigating circumstance in his favor.

Upon reconsideration by respondent Court, after the original ponente was appointed to this Court, the mitigating circumstance of voluntary surrender was appreciated in his favor and the maximum of his indeterminate sentence was reduced to ten (10) years, two (2) months and twenty-one (21) days of reclusion temporal with the minimum retained at six (6) years and one (1) day of prision mayor. Respondent Court erred in reducing the maximum to prision mayor in its maximum period, despite the petitioner's voluntary surrender.

Homicide, under Article 249 of the Revised Penal Code ("RPC"), is punishable by reclusion temporal. The effect of a mitigating circumstance, under Article 64 (3) of the RPC, is the imposition of the penalty in its minimum period. Under Section 1 of the Indeterminate Sentence Law (Act No. 4103, as amended), the maximum term of the indeterminate sentence shall be the penalty properly imposed considering the attending circumstances, which in this case is reclusion temporal in the minimum period.

The minimum term shall be within the range of the penalty next lower to that prescribed by the Code. In this case, the minimum term should be within the range of prision mayor. Thus, the proper penalty should be from six (6) years and one (1) day of prision mayor as minimum to fourteen (14) years and eight (8) months of reclusion temporal as maximum.

WHEREFORE, the assailed Decision and Resolution of Respondent Court are hereby **AFFIRMED** with the **MODIFICATION** that appellant is sentenced to the indeterminate sentence of six (6) years and one (1) day of prision mayor as minimum and twelve (12) years and one (1) day of reclusion temporal as maximum.

SO ORDERED.

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

Melo, J., took no part.

[1] RTC Records, p. 2.

[2] CA Rollo, p. 16.

[3] Penned by then Acting Presiding Justice Jose A.R. Melo (now Supreme Court Associate Justice) with JJ. Segundino G. Chua and Artemon D. Luna concurring.

[4] Rollo, p. 19.

[5]Id., p. 20.

[6] Composed of J. Artemon D. Luna, ponente, and JJ. Manuel C. Herrera and Segundino G. Chua.

[7] Rollo, p. 24.

[8]Rollo, pp. 16-18.

[9] RTC Decision, pp. 1-3; CA Rollo, pp. 13-15.

[10] RTC Decision, pp. 3-4; CA Rollo, pp. 15-15a.

[11] RTC Records, p. 116.

[12] RTC Decision, pp. 4-5; CA Rollo, pp. 15a-16.

[13] Petition, p. 1; Rollo, p. 2.

[14] Order, RTC Records, p. 35.

[15]People vs. Maceda, 197 SCRA 499, 502, May 27, 1991; People vs. Albarico, 238 SCRA 203, 211, November 17, 1994; and People vs. Molina, 213 SCRA 52, 64, August 28, 1992.

[16] People vs. Molina, *supra*, p. 69.

[17] CA Decision, Rollo, p. 19.

[18] People vs. Molina, *supra*, p. 68; People vs. Alcantara, 151 SCRA 327, 330, June 30, 1987; and People vs. Pacala, 58 SCRA 370, 379, August 15, 1974.

[19] People vs. Molina, *ibid.*; and People vs. Andaya, 152 SCRA 571, 577, July 31, 1987.

[20] Tanong at Sagot No. 08, "Salaysay," RTC Records, p. 100.

[21] CA Rollo, pp. 15a-16.

[22]People vs. Rivero, 242 SCRA 354, 358, March 15, 1995; People vs. Nemeria, 242 SCRA 448, 453, March 20, 1995; and People vs. Nuestro, 240 SCRA 221, 227, January 18, 1995.

[23] People vs. Camahalan, 241 SCRA 558, 569, February 22, 1995; People vs. Morin, 241 SCRA 709, 715, February 24, 1995; People vs. Rivero, *ibid.*; and People vs. Silvestre, 244 SCRA 479, 490-491, May 29, 1995.

[24] People vs. So, 247 SCRA 708, 719, August 28, 1995; and People vs. Galit, 230 SCRA 486, 496, March 1, 1994.

[25] Rollo, pp. 19-20.

[26] Ebajan vs. Court of Appeals, 170 SCRA 178, 189, February 9, 1989; People vs. Flores, 43 SCRA 342, February 29, 1972.

[27] Ebajan vs. Court of Appeals, 170 SCRA 178, 189, February 9, 1989; People vs. Flores, 43 SCRA 342, February 29, 1972.

[28] People vs. Sazon, 189 SCRA 700, 711, September 18, 1990.

[29]People vs. Gundayao, 30 SCRA 226, 233, October 31, 1969; People vs. Quinto, 55 Phil 116, 127, November 1, 1930; and U.S. vs. Mendac, 31 Phil 240, 243-244, August 5, 1915.

[30]People vs. Lumasag, 56 Phil 19, 22, August 31, 1931 and People vs. Eisma, 54 Phil 476, 480, February 19, 1930.

[31] People vs. Sazon, *supra*, p. 711.

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.