

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLLY OBELLO Y PROQUITO, ACCUSED-APPELLANT.

G.R. No. 108772. January 14, 1998

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-108772/>

PANGANIBAN, J.:

The appreciation of and the weight accorded to the testimony of witnesses are better left to the sound discretion of the trial judge whose findings will not be disturbed on appeal, unless the defense shows that he has plainly overlooked certain facts of substance and value which, if properly considered, may affect the result of the case.

The Case

This principle is used by the Court in resolving this appeal from the Decision[1] of the Regional Trial Court of Quezon City, Branch 92, in Crim. Case No. Q-91-24295 finding Rolly Obello y Proquito guilty beyond reasonable doubt of murder.

In an Information[2] dated September 16, 1991, Accused-appellant Rolando Obello y Proquito and “John Doe” were charged with murder allegedly committed as follows:[3]

“That on or about the 1st day of September 1991, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, confederating with and mutually helping each other, did, then and there, wilfully, unlawfully and feloniously, with intent to kill, with treachery, taking advantage of superior strength, and with evident premeditation, attack, assault and employ personal violence upon the person of DANILO DE CLARO Y INFANTE, by then and there stabbing him on the chest, thus inflicting upon him serious and mortal wound which was the direct and immediate cause of his death, to the damage and prejudice of the heirs of the said victim in such amount as may be awarded to them under the provisions of the Civil Code.”

Accused John Doe, who was identified during the preliminary investigation as Antonio Go, was at large. Hence, only appellant was arraigned and brought to trial. At the arraignment[4] on January 6, 1992, appellant, with the assistance of a counsel de oficio,[5] pleaded “not guilty.”[6] Trial ensued in due course. On August 26, 1992, the court a quo rendered the assailed Decision, which disposed as follows:[7]

“WHEREFORE, in view of the foregoing considerations, the Court finds accused Rolly Obello y Proquito guilty beyond reasonable doubt of the crime of MURDER as defined and penalized under Article 248 of the Revised Penal Code and there being no mitigating nor aggravating circumstance attendant to the commission of the crime, the Court hereby sentences the accused to suffer the penalty of Reclusion Perpetua with the accessory penalties provided by law; to pay the heirs of Danilo de Claro the sum of P50,000.00 plus the amount of P6,000.00 representing funeral expenses without subsidiary imprisonment in case of insolvency; and, to pay the costs.”

In view of the penalty imposed, the appeal was filed directly with this Court.[8]

The Facts

Version of the Prosecution

The Appellee's Brief presented the prosecution's version of the facts, as follows:[9]

"Sometime in [sic] September 1, 1991 at around 4:00 p.m. Ricardo de la Cruz was playing mahjongg [sic] together with four (4) others in the store of a certain May at Riverside Street, Barangay Commonwealth, Quezon City (TSN, de la Cruz, Feb. 4, 1992, pp. 8, 14). Suddenly, he heard people shouting outside (TSN, de la Cruz, Feb. 4, 1992, pp. 8, 14). Immediately, Ricardo rushed outside of the store and saw Rolly Obello holding Danilo de Claro by his two (2) arms and a certain Antonio Go (Tony) who came from the back of Rolly suddenly stabbed Danilo on the abdomen with a fan knife (tsn, de la Cruz, Feb. 4, 1992, pp. 8, 14-15). After stabbing Danilo, Tony and Rolly ran away (TSN, de la Cruz, Feb. 4, 1992, p. 9).

Ricardo chased them, picked up a stone and when he was about to throw the stone, Rolly stopped him and said: 'Buda (Ricardo's nickname), hinde katalo yan' (referring to Tony) (TSN, de la Cruz, February 4, 1992, pp. 9-10, 15). Ricardo desisted from throwing the stone, then Tony and Rolly boarded a jeep and speed [sic] away (TSN, de la Cruz, Feb. 4, 1992, pp. 10, 15).

As soon as the two fled, Ricardo returned to Danilo to help him. When Ricardo lifted Danilo, he noticed that blood was oozing from Danilo's chest, so he inserted his finger on the stab wound to stop the flow of blood but the same proved to be futile (TSN, de la Cruz, Feb. 4, 1992, p. 10). Danilo said: 'Buda, take care of me,' and then pushed Ricardo and he (Danilo) fell to the ground (TSN, de la Cruz, Feb. 4, 1992, p. 10).

Ricardo together with Danilo de Claro, Jr. carried Danilo and brought him to the hospital. At the hospital, they were informed by the attending physician that Danilo suffered three (3) stab wounds which caused his death (TSN, de la Cruz, Feb. 4, 1992, pp. 10-11).

However, of the three (3) stab wounds suffered by Danilo, Ricardo only witnessed Tony deliver his last stab blow which hit Danilo's abdomen (TSN, de la Cruz, Feb. 4, 1992, pp. 8, 15)."

Version of the Defense

The trial court narrated appellant's version of the incident, viz.: [10]

"Accused Rolly Obello's defense is denial. He testified that on September 1, 1991 at about 4:00 o'clock in the afternoon, he was in the house of Aling Aida at Riverside St., Barangay Commonwealth, Quezon City watching the game of mahjong. The persons playing mahjong were his wife, his brother, Ricardo dela Cruz and the latter's wife. While he was watching mahjong, carrying his daughter, he heard Antonio Go and Danilo de Claro saying words to each other and when he came out, he saw that both were holding knives. He tried to stop them by using his left hand but when he failed, he went back to the place where mahjong was played and asked for help. When he returned, he saw that Danilo de Claro was already lying facing the ground. He told Ricardo dela Cruz to look for the brothers of Danilo de Claro or the family because he did not see who killed him. Ricardo dela Cruz testified against him because he (Ricardo) was mauled by the brothers of Danilo de Claro in front of him at his place of work in Angono, Rizal. The three (3) brothers of Danilo de Claro, Ricardo dela Cruz and three (3) policemen went to his place of work because they were looking for Antonio Go. The policemen brought him to Station 5 inside the COA Compound. The following day he was brought to the Fiscal's Office (TSN, pp. 2-7, May 18, 1992). On cross examination, he testified that the other persons who were present at the place where the mahjong was played were Marlene and Darmo. When he heard the shouts he went out because he heard that Antonio Go was one of the antagonists. Danilo de Claro was his friend and they used to play basketball. When he went out he was carrying his six (6) months old daughter and he saw that Antonio Go and Danilo de Claro were both holding knives, so he stayed at the middle and tried to pacify them. He faced Danilo de Claro because he was the one who was very furious. When he failed to pacify both,

he went back to the place where mahjong was being played and when he returned after about ten (10) minutes, Danilo de Claro was already lying face down.”

The Trial Court’s Ruling

In convicting appellant, the trial court relied on the testimony of Eyewitness Ricardo dela Cruz which was corroborated by the medical findings showing the nature and the location of the wounds inflicted on the victim. The trial court also disbelieved appellant’s contention that he was carrying his six-month old child at that time and that he merely tried to pacify the victim and Antonio Go. The trial court held that said claim was “against ordinary instincts and promptings of human nature.”

The trial court also appreciated conspiracy between appellant and Antonio Go. The trial court ruled that “the killing of Danilo de Claro was committed in such a way that he was not in a position to defend himself[,] for when he was being stabbed by Antonio Go, his hands were held by Rolly Obello which was the reason why all the wounds were in front of the body. Moreover, Danilo de Claro was unarmed.” Without expressly stating so, the trial court in effect held that the killing was qualified by treachery.

The Issues

In his Brief, appellant imputes to the trial court the following errors:[11]

- “1. The court a quo erred in holding the accused guilty beyond reasonable doubt of the crime of murder.
2. The court a quo erred in giving credence to the testimony of Ricardo dela Cruz.
3. The court a quo erred in disregarding the testimony of the accused.”

In the main, appellant assails the credibility of the prosecution witnesses.

The Court’s Ruling

The appeal is not meritorious.

First Issue: Credibility of Witnesses

Prosecution Witness Ricardo dela Cruz testified that appellant held the two arms of Victim Danilo de Claro, while a certain Antonio “Tony” Go came from appellant’s back and fatally stabbed the victim in the abdomen. Ricardo testified: [12]

“Q

While playing ‘madyong’ at the place of May, was there anything unusual incident [sic] that happened?

A

Yes, there was, sir.

Q

What was that?

A

People suddenly shouted, sir.

Q

What did you do upon hearing the shouts, if you did anything?

A

I rush[ed] out, sir.

Q

While you were outside, what did you see, if any?

A

Rolly was holding Danilo de Claro by his two (2) arms and I saw Tony Go went at [sic] the back of Rolly then suddenly stabbed Danilo de Claro on the abdomen.

Q

Mr. Witness, how far were you standing from the place of the stabbing incident?

A

At about two (2) arms feet [sic], sir.

Q

What kind of instrument was use [sic] by Tony Go in stabbing Danilo de Claro?

A

29 inches pan [sic] knife, sir.

x x x x x x x x

Q

When you were in the hospital, what happened, if any?

A

The Doctor informed us that he have [sic] three (3) stabbed wounds, sir.

Q

Mr. Witness, you testified a while ago that you saw Tony Go stab Danilo de Claro in the chest and then you said now that the Doctor told you that Danilo de Claro sustained three (3) stabbed wounds, why did you say that he has only one (1) stab wound?

A

I only say one (1), sir. I did not see the other stabbed [sic].

Q

Mr. Witness, do you know what is the reason why accused Tony Go and Rolly stab Danilo de Claro.

x x x x x x x x

ATTY. SISON

Q

Mr. Witness, you said that you were playing ‘madyong’ at the place of May, is that correct?

A

Yes, sir.

Q

This place of May a residential one or is it a store?

A

A store, sir.

Q

And you were inside the place of May?

A

Yes, sir.

Q

How many people were there?

A

Four (4), sir.

Q

You said that you were inside at the residence of May, upon hearing the shouts of the people outside how far were you from the door, from the residence of May?

A

I was leaning at the door, sir.

Q

Were you standing?

A

I was standing, sir.

Q

How long a time did you from the place where you was leaning, up to the time you went outside?

A

One (1) minute, sir.

Q

Upon going out from the residence of May, what did you notice?

A

When I went out of the door of May, I saw already the incident, sir.

Q

Were there no people outside?

A

Plenty but no one would like to testify, sir.

Q

What you saw was the incident when Tony Go, went [sic] at the back of Danny and stab him?

FISCAL LEE

Misleading, Your Honor, he came from the back of Rolly.

COURT:

He came from the back of Rolly not Danny, while Rolly was holding Danny.

ATTY. SISON

Q

So do I get it from you Mr. Witness, that what you saw was Tony Go came from the back of Rolly and stab Danny at the stomach?

A

Yes sir, on the left side.

Q

And that you did not see the incident prior to this?

A

What I saw was the last stabbed before they run, sir.”

Appellant contends that the trial court erred in giving credence to the testimony of dela Cruz and in disregarding his own testimony.[13] We disagree. It is doctrinal that the trial court’s evaluation of the credibility of a testimony is accorded the highest respect, for the trial court has an untrammelled opportunity to observe directly the demeanor of a witness and, thus, to determine whether he or she is telling the truth. Such assessment is generally binding on this Court, except when the same has been reached arbitrarily or when the trial court has overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which could have affected the result of the case.[14] We have examined the records of this case and the arguments raised by appellant, but we find no reason to apply these exceptions.

Between a positive and categorical testimony on one hand, and a bare denial on the other, the former generally prevails. Indeed, the testimony of a single witness, when positive and credible, is sufficient to support a conviction even of murder. Testimonies are to be weighed, not numbered; hence, a finding of guilt may be based on the uncorroborated testimony of a single witness when the trial court finds such testimony positive and credible.[15]

Appellant also alleges inconsistencies in the testimonies of prosecution witnesses on the following matters: (1) the date when dela Cruz executed his affidavit and (2) the identities of the persons who brought the victim to the hospital.

Appellant contends that the testimony of Ricardo de la Cruz was merely an afterthought, a result of the “manipulation of either the police or the heirs of the deceased.”[16] While Ricardo testified that he executed an affidavit on September 1, 1991 at the police station, said affidavit was in fact dated September 15, 1991, as affirmed by the investigating officer, Pat. Sotero Basilio, who investigated him on that day. Within a period of fourteen days from September 1, 1991 to September 14, 1991, Ricardo could have made a statement and identified appellant as a conspirator. Hence, appellant surmises that the statement was executed only on September 15, 1991, when it became apparent that the police could not apprehend Antonio Go.

Appellant also contends that the prosecution account is inconsistent in respect to the persons who brought the victim to the hospital. In his affidavit dated September 15, 1991, Nestor Cruz averred that he did so, but he failed to mention that he had companion(s). Ricardo dela Cruz testified, however, that Danilo de Claro, Jr., the victim’s brother, accompanied him in bringing the victim to the hospital. Witness Lourdes Faigane testified also that the victim’s brother brought the victim to the hospital, but she did not mention Ricardo de la Cruz.[17]

Appellant’s contentions do not persuade. The alleged discrepancies in dela Cruz’ testimony may be attributed to his inability to recall correctly the date of his interview with the police and of the execution of his sworn statement. It is entirely possible that the police talked to Ricardo on September 1, 1991, but that he executed his sworn statement on September 15, 1991. This slight error is not unlikely considering that Witness dela Cruz is unlettered, as admitted by appellant.[18]

Likewise, the alleged inconsistencies regarding the identity of the person or persons who brought the deceased to the hospital do not discredit the account of the prosecution. Lourdes Faigane’s[19] testimony that the victim was brought to the hospital by his brother is not necessarily inconsistent with Ricardo’s testimony that he and the

brother did so. The testimony of Faigane did not purport to be a complete enumeration of the persons who brought her brother to the hospital. Hence, while she averred that the victim's brother brought the victim to the hospital, this does not necessarily mean that he alone did so. Besides, Lourdes' testimony was not based on her own personal knowledge since she was not physically present at that time. Furthermore, Nestor Cruz's affidavit stating that he and the victim's brother brought the victim to the hospital is worthless as evidence, because Nestor did not testify in open court. His affidavit is therefore hearsay and has no probative value. It cannot prevail over the clear, direct and straightforward testimony of dela Cruz that he and Danilo de Claro, Jr. brought the victim to the hospital.

In any event, the alleged inconsistencies refer to minor details and not to the basic elements of the crime. They do not cast doubt on the identification of appellant as the assailant. Hence, they cannot impair the credibility of Witness dela Cruz. Such minor inconsistencies even guarantee truthfulness and candor,[20] for they erase any suspicion of a rehearsed testimony.[21]

Second Issue: Conspiracy

Appellant denies that he conspired with Antonio Go in the killing of Danilo de Claro, citing the following:

- Although he was carrying a child, he "tried to pacify" Antonio Go and Danilo de Claro. When they did not heed him, he left his child with his wife and sought the assistance of others.
- While he was seeking the assistance of others, "Antoni[o] Go was able to deliver three stabs or thrust[s] which hit Danilo de Claro, and when he went out he saw the latter" already fallen to the ground.
- In spite of the three (3) stab wounds sustained by Danilo, "Ricardo dela Cruz only saw Antonio Go stab Danilo de Claro once."
- Ricardo testified that "Antonio Go came from behind or from the back of accused Rolly Obello, before he stabbed the deceased." If such position was correct, appellant "may not have been aware, much more conspire with Antonio Go, when the latter made the last thrust" because appellant was "not facing Antonio Go."
- The trial court failed to consider the possibility that appellant "could have been trying to help Danilo de Claro stand after being stabbed twice, and when he saw Antonio Go stab the deceased the last time, he was caught [by] surprise and suddenly ran away." [22]

The above circumstances do not disprove conspiracy. Based on the facts proven by the prosecution, appellant is liable for the crime as a principal by indispensable cooperation under Article 17, paragraph (3) of the Revised Penal Code.

The first two circumstances were sufficiently refuted by the trial court, which held that it was inconceivable for a father carrying a six-month old child to risk his child's life only to placate two armed and warring friends. As a father who is expected to take ordinary care of his concerns,[23] appellant would not risk the life of his child or his own for said reason.

Furthermore, the fact that appellant held the deceased when the latter was assaulted by Antonio Go constitutes direct participation in the commission of the crime.[24] It is true that there is no evidence on record of a previous agreement between the accused to kill Victim Danilo de Claro, and that no witness testified to having seen or heard the accused conspire. However, it is a well-settled rule that conspiracy need not be established by direct evidence of a prior agreement. It is sufficient that the accused acted in concert at the time of the commission of the offense, that they had the same purpose or common design, and that they were united in its execution.[25] In this case, after appellant held the two arms of the victim, Tony Go went behind appellant and stabbed the victim.

Appellant's act effectively rendered the victim incapable of defending himself against his assailant. Such act amounted to an indispensable cooperation without which the crime would not have been accomplished. Thus, appellant is not merely a conspirator but a principal by indispensable cooperation.[26] As has been ruled in *People vs. Montealegre*:[27]

“The accused-appellant was correctly considered a co-principal for having collaborated with Capalad in the killing of the police officer. The two acted in concert, with Capalad actually stabbing Camantigue seven times and the accused-appellant holding on to the victim's hands to prevent him from drawing his pistol and defending himself. While it is true that the accused-appellant did not himself commit the act of stabbing, he was nonetheless equally guilty thereof for having prevented Camantigue from resisting the attack against him. The accused-appellant was a principal by indispensable cooperation under Article 17, par. 3, of the Revised Penal Code.

As correctly interpreted, the requisites of this provision are: ‘(1) participating in the criminal resolution, that is, there is either anterior conspiracy or unity of criminal purpose and intention immediately before the commission of the crime charged; and (2) cooperation in the commission of the offense by performing another act without which it would not have been accomplished.’”

Appellant's conduct before, during and after the commission of the crime, as testified to by Witness dela Cruz, unquestionably shows that appellant and Tony Go were one in their criminal purpose and design to kill Danilo. Dela Cruz testified that appellant held both arms of Danilo before and until Tony Go inflicted the fatal blow. After Tony Go stabbed Danilo for the third and last time, appellant immediately released the victim. The two malefactors then ran away and boarded a jeep.[28]

Because conspiracy has been established, it is unnecessary to pinpoint who among the accused inflicted the fatal blow. All the conspirators are liable as principals regardless of the extent and the character of their participation, because the act of one is the act of all.[29]

Lastly, appellant also contends that the trial court failed to consider the possibility that he “could have been trying to help Danilo de Claro stand after being stabbed twice, and when he saw Antonio Go stab the deceased the last time, he was caught [by] surprise and suddenly ran away.” This defense is speculative and is not supported by the testimony of appellant. He merely testified that he was inside May's store playing mahjong when he heard a commotion; that he went out and saw Tony Go and Danilo de Claro about to fight; and that he tried in vain to pacify the two.[30] Nothing in his testimony supports his present theory that he held the arms of Danilo to help the latter stand up and not to hinder any defense which Danilo might put up. Besides, he fails to explain why he fled with the assailant instead of helping the victim after the stabbing incident. Verily, his action validates the dictum that flight is the product of guilt. Appellant's unexplained flight is a clear indicium of his participation and complicity in the slaying of Danilo.[31]

Damages

The trial court ordered the payment of indemnity of fifty thousand pesos and reimbursement of six thousand pesos for funeral expenses. We sustain the award of indemnity, but we delete the reimbursement for funeral expenses for lack of factual support. Civil indemnity in the amount of P50,000 is automatically granted to the heirs of the victim without need of any evidence other than the fact of the commission of the crime.[32] The amount of funeral expenses, however, must be proven by competent evidence, e.g. receipts. It cannot rest on the bare allegation of the heirs of the offended party, as in this case.[33]

WHEREFORE, the appeal is hereby DENIED and the assailed Decision is AFFIRMED, but the award of funeral expenses is hereby DELETED. Costs against appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] Penned by Judge Narciso T. Atienza.

[2] Signed by Assistant City Prosecutor Maria Rosario B. Ragasa.

[3] Original Records, p. 1; Rollo, p. 4.

[4] Then presided by Judge Pacita Cañizares-Nye, who was subsequently appointed Justice of the Court of Appeals.

[5] Atty. Exequiel Sison, Jr.

[6] Records, p. 23.

[7] Decision, p. 7; Rollo, p. 19.

[8] The case was deemed submitted for resolution upon receipt by this Court on August 9, 1996 of the confirmation of appellant's confinement at the New Bilibid Prisons.

[9] Appellee's Brief, pp. 5-7; Rollo, pp. 71h-71j.

[10] Decision, pp. 3-4; Rollo, pp. 15-16.

[11] Six-page Appellant's Brief signed by Atty. Patricio B. Tanpiengco, Jr., p. 2; Rollo, p. 36. Original text in upper case.

[12] TSN, February 4, 1992, pp. 8-15.

[13] Appellant's Brief, p. 3; Rollo, p. 37.

[14] *People vs. Atuel*, 261 SCRA 339, 349, September 3, 1996 citing *People vs. Sabellina*, 238 SCRA 492, 498, December 1, 1994; *People vs. Eduardo de la Cruz*, 229 SCRA 754, February 8, 1994; *People vs. Hubilla, Jr.*, 252 SCRA 471, January 29, 1996 citing *People vs. Francisco*, 213 SCRA 746 [1992], *People vs. Ramos*, 222 SCRA 557 [1993], *People vs. Lucas*, 232 SCRA 537 [1994], *People vs. Comia*, 236 SCRA 185 [1994].

[15] *People vs. Asoy*, 251 SCRA 682, 687-688, December 29, 1995; *People vs. Bello*, 237 SCRA 347, October 4, 1994; *People vs. Rayray*, 241 SCRA 1, February 1, 1995; *People vs. Lopez*, 214 SCRA 323, September 29, 1992; *People vs. Rañola*, 212 SCRA 106, August 4, 1992.

[16] *Ibid.*, p. 4; Rollo, p. 38.

[17] *Ibid.*, p. 4; Rollo, p. 38.

[18] *Ibid.*, p. 3; Rollo, p. 37.

[19] Common-law wife of Danilo de Claro.

[20] *People vs. Cristobal*, 252 SCRA 507, 517, January 29, 1996 citing *People vs. Barba*, 203 SCRA 436 [1991], *People vs. De los Reyes*, 203 SCRA 707 [1991], *People vs. Buka*, 205 SCRA 567 [1992], *People vs. Martinado*, 214 SCRA 712 [1992], *People vs. Ramos*, 222 SCRA 557 [1993]; *People vs. De Castro*, 252 SCRA 341, 349, January 25, 1996; *People vs. Manahan*, 238 SCRA 141, November 14, 1995; *People vs. Vallador*, 257 SCRA 515, 524, June 20, 1996 citing *People vs. Belibet, et al.*, G.R. No. 91260, July 25, 1991, 199 SCRA 587.

[21] Arceño vs. People, 256 SCRA 569, 579, April 26, 1996 citing the case of People vs. Mauryao, 207 SCRA 732, April 6, 1992; People vs. Paule, 261 SCRA 649, 664, September 11, 1996; People vs. Loto, G.R. Nos. 114523-24, September 5, 1995, 248 SCRA 59.

[22] Appellants Brief, pp. 5-6; Rollo, pp. 39-40.

[23] Paragraph (d), Section 3, Rule 131 of the Rules of Court.

[24] Aquino, Revised Penal Code, Volume 1, 1987 edition, pp. 462-463, citing US v. Valdez, et al., 40 Phil. 876.

[25] People vs. Tami, 244 SCRA 1, May 2, 1995; People vs. De Roxas, 241 SCRA 369, February 15, 1995; People vs. Mallari, 241 SCRA 113, February 6, 1995; People vs. Gundran, 228 SCRA 583, December 17, 1993; People vs. Magalang, 217 SCRA 571, January 27, 1993; People vs. Uy, 206 SCRA 270, February 14, 1992; People vs. Bausang, 199 SCRA 355, July 18, 1991; People vs. Quiñones, 183 SCRA 747, March 28, 1990; People vs. Bohos, 98 SCRA 353, June 25, 1980; People vs. Aleta, 72 SCRA 542, August 31, 1976; People vs. Cutura, 4 SCRA 663, March 30, 1962; People vs. Belen, 118 Phil. 880 (1963); People vs. Colman, 103 Phil. 6 (1958); People vs. Cu Unjieng, 61 Phil. 236 (1935); People vs. Carbonel, 48 Phil. 866 (1926); People vs. Mandayog, 46 Phil. 838 (1923).

[26] People vs. Martinez, 127 SCRA 260, 264, January 31, 1984.

[27] 161 SCRA 700, 707, May 31, 1988, per Cruz, J.

[28] TSN, February 4, 1992, pp. 8-10, 14-15.

[29] People vs. Salison, Jr., 253 SCRA 758, 770, February 20, 1996; People vs. Yabut, 226 SCRA 715, September 27, 1993.

[30] TSN, May 18, 1992, p. 4.

[31] People vs. Maliput, 252 SCRA 519, 528-529, January 29, 1996; People vs. Cruza, 237 SCRA 410, October 7, 1994.

[32] People vs. Eduardo Caballes, G.R. Nos. 102723-24, June 19, 1997.

[33] People vs. Victor Timon, et al., G.R. Nos. 97841-42, November 12, 1997.

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.