

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. IGNACIO CAMAHALAN, AURELIO TABACON AND PABLITO TOCMO, ACCUSED, IGNACIO CAMAHALAN AND AURELIO TABACON, ACCUSED-APPELLANTS.

G.R. No. 114032. February 22, 1995

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

Anatalio Lor, a 38-year-old farmer and resident of Dagsa, Municipality of Sogod, Southern Leyte, died in the evening of 25 March 1988 due to multiple stab and lacerated wounds inflicted on various parts of his body. The post-mortem examination [1] revealed that the victim sustained a total of eleven stab wounds, of which six were fatal, and three lacerated wounds.

Held to account for Lor's untimely death were Ignacio Camahalan, Aurelio Tabacon, and Pablito Tocmo. On 25 August 1988, an information [2] for murder in Criminal Case No. 1275 was filed against them with Branch 25 of the Regional Trial Court (RTC) of Maasin, Southern Leyte. Evident premeditation and treachery were alleged therein as the qualifying circumstances.

In its decision [3] dated 30 October 1990 but promulgated on 13 December 1990, the trial court acquitted Pablito Tocmo on the ground of reasonable doubt but found accused Ignacio Camahalan and Aurelio Tabacon guilty beyond reasonable doubt, as principal and accomplice, respectively, of the crime of murder qualified by treachery. However, it credited Ignacio Camahalan with the mitigating circumstance of voluntary surrender. The two accused were sentenced as follows:

Accordingly, IGNACIO CAMAHALAN alias INACIO is hereby sentenced to suffer and undergo imprisonment ranging from TEN (10) YEARS AND ONE (1) DAY of prision mayor as minimum to SEVENTEEN (17) YEARS, FOUR (4) MONTHS, AND ONE (1) DAY of reclusion temporal as maximum, AURELIO TABACON shall suffer and undergo imprisonment ranging from FOUR (4) YEARS, TWO (2) MONTHS, AND ONE (1) DAY of prision correccional as minimum to TEN (10) YEARS AND ONE (1) DAY of prision mayor as maximum. Both accused shall jointly and severally pay the sum of THIRTY THOUSAND PESOS (P30,000.00) to the heirs of the victim, without subsidiary imprisonment in case of insolvency, and shall pay the proportionate costs. The instruments of the crime are hereby ordered forfeited in favor of the government.

The trial court held Aurelio Tabacon liable only as an accomplice because "[w]hile he started the assault and inflicted the first wound on the victim, unlike Ignacio, he did not chase and further attack the victim."

Ignacio Camahalan and Aurelio Tabacon seasonably appealed from the decision to the Court of Appeals which docketed the appeal as CA-G.R. CR No. 11094. In their appellants' brief, they raised the following assignment of errors:

FIRST ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN RELYING ON THE SOLE AND UNCORROBORATED TESTIMONY OF ROBERTO SAROL — A PERJURED WITNESS OF THE PROSECUTION.

SECOND ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN DISCOUNTING THE TESTIMONIES OF THE ACCUSED-APPELLANTS SHOWING SELF-DEFENSE AND DEFENSE OF A STRANGER.

THIRD ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN CONVICTING THE APPELLANTS BEYOND REASONABLE DOUBT.

On 24 February 1994, the Court of Appeals rendered its judgment [4] finding both appellants guilty as principals of crime of murder and sentencing each of them to suffer the penalty of reclusion perpetua and to jointly and severally indemnify the heirs of the deceased in the sum of P50,000.00, without subsidiary imprisonment in case of insolvency. [5] It ruled that Camahalan was not entitled to the mitigating circumstance of voluntary surrender.

In view of the penalty imposed and pursuant to the second paragraph of Section 13, Rule 124 of the Rules of Court, the Court of Appeals certified the case to this Court for final determination.

The Court of Appeals summarized the evidence of the parties and ruled as follows:

The prosecution's evidence tend to establish that at about 9 o'clock in the evening of March 25, 1988, Roberto Sarol, Anatalio Lor and the latter's son Almar Lor were on their way home at Sitio Curba, Barangay San Isidro, Sogod, Southern Leyte. At that time, Anatalio was in a jovial mood because, earlier in the day, he had pinned a ribbon on his son who graduated with highest honors at the San Isidro Elementary School. While they were walking, Anatalio and Roberto passed by the house of Ignacio Camahalan where the latter, together with Pablito Tocmo and Aurelio Tabacon, were then drinking liquor. Upon noticing Anatalio, the group invited the latter to join them for a drink. Unsuspectingly, Anatalio accepted the invitation and joined appellants' group.

What transpired next violently ended Anatalio's life. For, without warning and even before Anatalio could settle down, Aurelio positioned himself directly in front of Anatalio, pulled out a small bolo and suddenly stabbed Anatalio on the left side of the abdomen. Following suit, Ignacio took hold of his own bolo and hacked Anatalio on the left arm. In an effort to elude his attackers, Anatalio ran away but Ignacio chased him. About 60 meters from where Anatalio was initially stabbed and about 5 meters from Franco Gabi's yard, Ignacio overtook Anatalio. Then, in the full view of Franco Gabi, Filemon Faller and Gabi's wife who were then at Gabi's yard, Ignacio stabbed Anatalio in the back. Badly wounded, Anatalio fell face downward on the road. With Anatalio already fallen, Ignacio mercilessly continued stabbing him. After being certain that Anatalio was already dead, Ignacio stood up and, upon seeing Gabi's group, challengingly shouted: "Who will help him". When no one dared take up his challenge, Ignacio went home. Meanwhile, the victim's wife, Merlyn, was informed of what had happened to her husband.

Hours later, in the early morning of March 26, 1988, the municipal health officer of Sogod, Southern Leyte, Dr. Myrna D. Tan, performed an autopsy on the cadaver of Anatalio. Found were eleven (11) stab wounds at the back and front of the victim, six (6) of which were fatal. Per the postmortem certificate issued by Dr. Tan (Exh. "D"), the cause of death was "Hemothorax" or the accumulation of blood in the thoracic cavity. On the same day, Ignacio, Aurelio and Pablito Tocmo were arrested by the police and subsequently incarcerated.

For their part, appellants Ignacio Camahalan and Aurelio Tabacon do not at all deny but in fact admitted having stabbed the deceased on that fateful night of March 25, 1988. However, they respectively pleaded self-defense and defense of stranger. Their version is as follows: In the afternoon of March 25, 1988, Ignacio was at Barangay

San Isidro, Sogod, Southern Leyte, attending the closing ceremonies of his grade school children. When the ceremonies were over, he proceeded to his house at Sitio Curba, San Isidro. While on his way home, he was called and invited to drink tuba by Filemon Faller who was then at a store drinking tuba with Anatalio Lor and several other persons. He accepted the invitation and joined Faller's group. After he had drunk one glass of tuba, he was challenged to a fist fight by Anatalio. Not wanting any trouble, he did not say anything and instead went home. About an hour later, Anatalio, who was then armed with a bolo, followed him (Ignacio) to his place and, upon seeing him, shouted: "Let us kill each other Bay". In reply, he (Ignacio) answered: "I do not want to engage to a fight to a kill". At about that time, Filemon Faller arrived and persuaded Anatalio to go home. However, for the second time, Anatalio came back and again shouted at Ignacio to come out of the house and fight. When Ignacio refused, Anatalio hacked a banana plant nearby (Exh. "1") and the trunk of a coconut tree (Exhs. "3" and "3-A"). At that time, Aurelio Tabacon went out of his house, which was adjacent to that of Ignacio's and told Anatalio to just go home and not look for a fight. Angered by Aurelio's remark, Anatalio replied: "Keep quiet there. I will include you". To avoid trouble, Aurelio got inside his house. After a while, Anatalio was taken home by his wife.

Several minutes later, Anatalio again returned to Ignacio's house. For the third time, he again challenged Ignacio to a fight by shouting: "You come out. We will kill each other". When Ignacio ignored the challenge, Anatalio angrily hacked with his bolo the window and post of Ignacio's house. Not contented, Anatalio forcibly tried to get inside Ignacio's house by pushing its door. To prevent Anatalio from entering, Ignacio who was then behind the door, took hold of his own bolo and, positioning himself in front of Anatalio, stabbed the latter three times on the chest. Wounded, Anatalio tried to grab Ignacio's bolo until the two got locked in combat for the possession thereof. Somehow, Anatalio was able to take hold of Ignacio's hand and succeeded in pulling away Ignacio from the door. In panic, Ignacio repeatedly shouted for help. Fortunately, Aurelio heard Ignacio's cry for help and hurriedly came out of his house. Upon seeing Ignacio drenched in blood from the chest down to the belly, Aurelio took hold of a knife, rushed towards Anatalio and Ignacio who were then still struggling for possession of the latter's bolo, and then and there stabbed Anatalio on the abdomen. Weakened by the stab wound inflicted by Aurelio, Anatalio lost his grip on Ignacio who thereupon indiscriminately and in succession stabbed and hacked Anatalio several times. Hit on different parts of his body, Anatalio ran towards the north of Ignacio's house. Ignacio followed him up to one side of the yard, about 5 meters away from the post and door of his house. Afterward, Filemon Faller shouted at Ignacio: "You surrender because he is already dead".

Such were the conflicting versions given by the parties.

With both appellants having admitted the killing of the deceased, it behooves upon them to prove their respective defenses with clear, satisfactory and convincing evidence (People vs. Adames, 144 SCRA 364).

After a careful review of the evidence on record, we cannot put our mind to rest on appellants' respective pleas in defense.

To begin with, we are immediately intrigued by the fact that while the deceased sustained no less than eleven (11) stab wounds, of which six (6) were found to be fatal, both appellants emerged from the alleged fight without even a minor solitary scratch on their body. This is especially true and even more perplexing as regards Ignacio Camahalan who supposedly got locked in combat with the deceased for the possession of his (Ignacio's) bolo. For sure, quite unbelievable and ridiculous is Ignacio's testimony that after he initially stabbed Anatalio on the chest, the latter tried to grab his (Ignacio's) bolo instead of hitting him (Ignacio) with his (Anatalio's) own bolo which, at that time, Anatalio was allegedly holding. The natural and ordinary reaction of a person similarly situated as Anatalio would be to use the bolo he was armed with in hitting back his assailant instead of engaging the latter in a struggle for possession of the assailant's bolo.

Equally unworthy of credence is Aurelio's testimony that he stabbed Anatalio with a knife upon seeing Ignacio drenched in blood from the chest down to the belly and grappling with Anatalio for possession of Ignacio's bolo. For, how can Ignacio be bleeding at that time when, as aforesaid, he did not even sustain a solitary wound or scratch on his body. Indeed, not even the clothing of Ignacio which was allegedly drenched in blood was ever presented in evidence during the trial in the court a quo.

In short, the theory of self-defense and defense of stranger respectively put up by Ignacio and Aurelio is negated by the hard reality that the alleged aggressor -- the deceased in this case -- failed to inflict on both appellants even a minor injury as token of his alleged belligerence and aggression. Under the circumstances, we are simply at a loss on how it could be said that there was unlawful aggression on the part of the deceased, a requirement without which there can be no self-defense or defense of stranger, whether complete or incomplete (*Ortega vs. Sandiganbayan*, 170 SCRA 38, citing the cases of *Andres vs. Court of Appeals*, 151 SCRA 268 and *People vs. Picardal*, 151 SCRA 170).

In fact, we find it strange that the bolo (Exh. "1") allegedly used by Anatalio in attacking Ignacio was only turned over by appellants' lawyer to the fiscal more than a month after the incident even as the very same bolo was allegedly found by Ignacio's wife the day following the bloody encounter. If it is true that Anatalio attacked Ignacio with the said bolo, then why did not Ignacio's wife surrender that bolo to the investigating police authorities who went to the scene of the crime immediately after its occurrence. Worse, as testified to by Ignacio, the handle of said bolo was detached or removed when Anatalio supposedly hacked a coconut trunk and the post of his house moments before Anatalio used the same bolo to attack Ignacio (tsn, p. 26, June 21, 1990). Truly, it taxes our credulity to believe that Anatalio would still go on and engage Ignacio in a fight to death even after he had lost the handle of the bolo.

Then, too, there is the failure on the part of both appellants to immediately report to the police authorities the alleged attack by the deceased upon the person of Ignacio. If indeed the circumstances were as appellants narrated — that Ignacio was defending himself from the unlawful aggression of Anatalio and that Aurelio went to the defense of Ignacio when he saw Anatalio assaulting Ignacio — then appellants should have gone straight to the police authorities that very night to reveal what had happened.

We may add that had the killing of Anatalio been merely in self-defense or defense of a stranger, the appellants' natural tendency would have been to immediately give help to their unfortunate victim and even to express their regrets to the wife of Anatalio. Instead, appellants elected to leave their victim where the latter fell bleeding. Worse, after leaving Anatalio mortally wounded, Ignacio even challengingly dared Gabi's group to help Anatalio. Clearly, such acts by the appellants negate their claim of self-defense and defense of stranger.

Given the foregoing, we are thus inclined to believe that, as so found by the trial court, what really transpired is as what was testified to by prosecution witnesses Franco Gabi, Filemon Faller and Roberto Sarol. No ill-motive having been ascribed to those witnesses to falsely impute such a serious crime against the appellants, their testimonies deserve credence and belief, more so in the light of the perplexing facets in the defense's version of the incident.

That treachery attended the commission of the offense was clearly established by the prosecution's evidence. Appellants, who numbered two against a lone prey, definitely enjoyed superior strength. Their victim was in a carefree mood when invited for a drink. From all indications, he had no inkling whatsoever that a violent death was awaiting him. With a son having just graduated with honors, it is safe to assume that having a fight with someone was far from Anatalio's mind on that fateful evening. Rather, he must have accepted appellants' invitation for a drink to share with them the joy and happiness he had that day. Hence, when, without even the

slightest provocation, he was suddenly and without warning attacked by two armed assailants, Anatalio was virtually a helpless and defenseless prey. And given the number and location of the wounds inflicted on him, there can be no doubt at all that the overriding objective of appellants was to finish off Anatalio. That the two acted in concert towards said objective is convincingly shown by the fact that after Aurelio delivered the initial thrust on Anatalio, Ignacio followed it with several more. Thus, the liability of Aurelio should likewise be as a principal by direct participation and not merely as an accomplice as the lower court declared.

We are also not in accord with the trial court when it credited Ignacio with the mitigating circumstance of voluntary surrender. Settled is the rule that in order that voluntary surrender may be appreciated, it is necessary that the same be spontaneous in such manner that it shows the intent of the accused to surrender unconditionally to the authorities, either because he acknowledges his guilt or he wishes to save them the trouble and expense necessarily incurred in his search and capture (*People vs. Lingatong*, G.R. No. 34019, January 29, 1990). In the case at bar, aside from the self-serving testimony of Ignacio that he surrendered himself to the police, no competent evidence exists to show that he in fact voluntarily surrendered to the authorities. What appears on record is that this appellant was arrested by the police when, as Ignacio himself admits, he was fetched from his house by a policeman (tsn, p. 26-28, June 21, 1990). The fact that Ignacio chose not to resist arrest did not constitute voluntary surrender (*People vs. Tac-an y Hipos*, G.R. No. 76338-39, February 26, 1990).

Article 248 of the Revised Penal Code penalizes the crime of murder with reclusion temporal in its maximum period to death. As correctly observed by the Solicitor General, inasmuch as no aggravating or mitigating circumstance attended the commission of the offense, the penalty that should be imposed on both the accused as principal by direct participation is the medium period of the penalty prescribed which is reclusion perpetua (*People vs. Pascual*, G.R. No. 95681, September 8, 1993; *People vs. Javier Pablo*, G.R. No. 92769, September 6, 1993; *People vs. Villanueva*, G.R. No. 98468, August 27, 1993; *People vs. Muñoz*, 170 SCRA 107).

Lastly, the appealed decision must have to be modified insofar as the award of indemnity in the sum of P30,000.00 is concerned. The amount must be, as it is hereby, increased to P50,000.00, consistent with the prevailing ruling of the Supreme Court on the matter (*People vs. Vargas*, G.R. No. 104578, September 6, 1993; *People vs. Villanueva*, supra; *People vs. Sison*, 189 SCRA 643; *People vs. Sazon*, 189 SCRA 700). [6]

In compliance with the resolution of this Court, the appellants filed an additional brief incorporating therein the following additional assignment of errors:

FOURTH ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN FINDING THAT THERE WAS TREACHERY THUS QUALIFYING THE CRIME TO MURDER INSTEAD OF HOMICIDE ONLY.

FIFTH ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN NOT CREDITING APPELLANT IGNACIO CAMAHALAN WITH THE MITIGATING CIRCUMSTANCE OF VOLUNTARY SURRENDER.

SIXTH ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN LENDING WEIGHT AND CREDENCE TO PROSECUTION INSTEAD OF DEFENSE WITNESSES.

In support of the fourth assignment of error, they contend that the finding of treachery was "of doubtful veracity" because it was based solely on the testimony of Roberto Sarol who was not present during the incident. Moreover, considering the enmity between the deceased and Ignacio Camahalan, it was "impossible and contrary to human

experience that accused Camahalan would invite Lor to dine and drink." Finally, the evidence for the defense disclosed that the deceased "challenged Camahalan three times before they finally had a scuffle."

As to the fifth assignment of error, Camahalan states that he had the intention to surrender; however, fearing that something might happen to him on the way to the police station, he decided to stay in his house and wait for the police.

The sixth assignment of error is related to the first. The appellants insist that the trial court and the Court of Appeals should not have relied on Sarol's testimony because he was not present during the incident and the prosecution did not rebut the evidence for the defense showing that Sarol was not present and could not have witnessed the incident.

After a careful scrutiny and evaluation of the records of the case, we agree with the trial court and the Court of Appeals that Camahalan and Tabacon failed to prove their plea of self-defense and defense of a stranger, respectively. It is settled that an accused who rests his case on self-defense must prove it by clear and convincing evidence and not on the weakness of that of the prosecution for even if the latter were weak, it cannot be disbelieved after the accused had admitted the killing. [7] In short, the accused assumes the burden of showing the legal justification therefor [8] and his evidence must exclude any vestige of criminal aggression on his part. [9]

For self-defense to prosper, it is necessary that the following circumstances must concur: (a) unlawful aggression on the part of the victim, (b) reasonable necessity of the means employed to prevent or repel it, and (c) lack of sufficient provocation on the part of the person defending himself. [10]

For defense of a stranger to prosper, the following requisites must concur: (a) unlawful aggression on the part of the victim, (b) reasonable necessity of the means employed to prevent or repel it, and (c) the person defending was not induced by revenge, resentment, or other evil motive. [11]

The appellants' evidence fails to convince us that they acted in legitimate self-defense or defense of a stranger. It was proved by the prosecution that the victim sustained a total of eleven stab wounds — four on his back, two on his chest, two on the abdomen, and the rest on his left eye, left forearm and right hand. Six of these stab wounds were fatal. On the other hand, none of the appellants sustained any injury. The location, number, and gravity of the wounds they inflicted on the victim belie their pretensions. It is settled that the nature and number of wounds inflicted by an assailant are constantly and unremittingly considered important incidents which disprove a plea of self-defense, [12] or, for that matter, defense of a stranger.

The deceased was in fact unarmed. This is shown by the unexplained failure of the appellants to immediately inform the arresting policemen about the bolo allegedly used by the deceased or to point out its location at the time Camahalan was arrested at his residence. As correctly found by the Court of Appeals, it was "turned over by appellants' counsel to the fiscal more than a month after the incident even as the very same bolo was allegedly found by Ignacio's wife the day following the bloody encounter."

Then too, Tabacon admitted that when he first saw the victim after hearing the shout for help of Camahalan, the victim was holding the right hand of Camahalan which was bearing a sharp?pointed bolo. The victim had no weapon of his own. Thus:

COURT:

So, at that time you saw Anatalio Lor holding the hand of Ignacio Camahalan and Anatalio Lor was not holding any weapon of his own?

A No more.

COURT:

What happened to the weapon which Lor had perhaps used in hacking the post of the house of Ignacio Camahalan?

A I do not know where he threw it during the fight. [13]

In short, Camahalan was the aggressor and the unarmed victim was merely trying to defend himself.

Nor are we convinced by the appellants' claim that the evidence of treachery is "of doubtful veracity" since prosecution witness Roberto Sarol who testified thereon was not actually present at the scene of the crime. There were two critical phases of the incident: its commencement in the house of Camahalan and its conclusion some sixty meters from where the deceased fell, face down, after he was chased and struck at the back with a bolo by Camahalan. In that last position, Camahalan stabbed him thrice at the back with the bolo. Roberto Sarol was present at the commencement of the assault and explicitly described how the victim was first attacked by Tabacon and then by Camahalan. This initial assault was committed with treachery. The victim was invited to dine and drink. He did not have the slightest suspicion that he would be assaulted. The attack was so sudden and unexpected that he had no opportunity to put up any defense. In an effort to save his life, the victim ran away but was chased by Camahalan who stabbed him at the back with a sharp-pointed bolo. The victim fell face down to the ground.

There is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make. [14] All its elements were clearly present in the initial phase of the crime. And after the victim fell face down, Camahalan stabbed him thrice at the back. Indisputably too, treachery was present in the second phase.

The trial court gave full faith and credit to the testimony of Sarol. It found him and the prosecution witnesses, Filemon Faller and Franco Gabi, to have testified "in a sincere, unsophisticated and positive manner" and to have shown no "ill motive in adversely declaring against the accused." [15] In determining then the witnesses' credibility, the trial court had taken into account reliable indicators of truthfulness leading it to make this conclusion. It is settled that where the issue of credibility of witnesses is concerned, appellate courts will not generally disturb the findings of the trial court considering that the latter is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless certain facts of value have been plainly overlooked which, if considered, might affect the result of the case. [16] We find no such fact of value to have been overlooked by the trial court.

We likewise agree with the trial court that no ulterior motive was shown for Roberto Sarol to implicate the appellants in the commission of the crime. The presumption then is that he was not so actuated and his testimony is entitled to full faith and credit. [17] For, indeed, if an accused had really nothing to do with the crime, it is against the natural order of events and human nature and against the presumption of good faith that the prosecution witness would falsely testify against the accused. [18]

The Court of Appeals was correct in not crediting Camahalan with the mitigating circumstance of voluntary surrender. In order that voluntary surrender may be appreciated, it is necessary that it be spontaneous and made in such a manner that it shows the intent of the accused to surrender unconditionally to the authorities, either because he acknowledges his guilt or he wishes to save them the trouble and expense necessarily incurred in his search and capture. [19] In the absence of either of these reasons, and in the event that the only reason for an accused's supposed surrender is to ensure his safety, his arrest being inevitable, the surrender is not spontaneous and, hence, not voluntary. [20] In this case, Camahalan was picked up by the police after they had questioned witnesses who

saw the stabbing of the victim. He did not surrender for any of the two reasons aforementioned. As pointed out by the Court of Appeals, the fact alone that the accused did not resist arrest but peacefully went with the policemen does not mean that he voluntarily surrendered. [21]

WHEREFORE, the decision of the Court of Appeals of 24 February 1994 in CA-G.R. CR No. 11094 is hereby AFFIRMED in toto.

Costs against the appellants.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Quiason, and Kapunan, JJ., concur.

[1] Exhibit "D," Folder of Exhibits, 6.

[2] Original Records (OR), 33-35.

[3] OR, 502-510. Per Judge Leodegario Alimangohan.

[4] Rollo, CA-G.R. CR No. 11094, 93-102. Per Associate Justice Cancio C. Garcia, concurred in by Associate Justices Antonio M. Martinez and Ramon U. Mabutas, Jr.

[5] Id., 101.

[6] Rollo, CA-G.R. No. 11094, 95-101.

[7] People vs. Alpetche, 168 SCRA 670 [1988]; People vs. Rey, 172 SCRA 149 [1989]; People vs. Quilaton, 205 SCRA 279 [1992].

[8] People vs. Molina, 213 SCRA 52 [1992]; People vs. Binondo, 214 SCRA 764 [1992].

[9] People vs. Lebumfacil, 96 SCRA 573 [1980]; People vs. Ybeas, 213 SCRA 793 [1992]; People vs. Sarence, 214 SCRA 780 [1992].

[10] Article 11(1), Revised Penal Code. See People vs. Dela Cruz, 207 SCRA 632 [1992].

[11] Article 11(3), Id.

[12] People vs. Rivera, 221 SCRA 647 [1993].

[13] TSN, 3 May 1990, 13.

[14] Article 14(16), Revised Penal Code.

[15] OR, 507.

[16] People vs. Kyamko, 222 SCRA 183 [1993].

[17] People vs. Simon, 209 SCRA 148 [1992].

[18] People vs. Balili, 92 SCRA 552 [1979]; People vs. Kyamko, supra note 16.

[19] People vs. Devares, 205 SCRA 676 [1992].

[20] People vs. Lee, 204 SCRA 900 [1991].

[21] People vs. Ramilla, 227 SCRA 583 [1993].

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