

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFREDO VIERNES, JOEL SOSA, CORNELIO INCIANO, AND ROMY PATULAY, ACCUSED-APPELLANTS.

G.R. No. 118091. October 03, 1996

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-118091/>

PADILLA, J.:

Accused-appellants appeal from the decision of the trial court convicting them of the crime of murder qualified by evident premeditation and aggravated by abuse of superior strength and nighttime.

On 27 February 1992, the provincial prosecutor of Cagayan filed an information against Wilfredo Viernes, Joel Sosa, Cornelio Unciano and Romy Patulay for the crime of murder. The information[1] reads:

"That on or about December 19, 1991, in the municipality of Buguey, province of Cagayan, and within the jurisdiction of this Honorable Court, the said accused, Wilfredo Viernes, Joel Sosa, Cornelio Unciano, and Romy Patulay, taking advantage of their superior strength, armed with a sharp, pointed instrument, with intent to kill, with evident premeditation and with treachery, conspiring together and helping one another, did then and there wilfully, unlawfully, and feloniously attack, assault, and stab one Herminio Doniego inflicting upon him stab wounds on his body which caused his death.

CONTRARY TO LAW."

In the arraignment on 18 June 1992, appellant Wilfredo Viernes pleaded guilty but requested that he be allowed to explain his plea. Appellants Cornelio Unciano and Romy Patulay pleaded not guilty. Appellant Joel Sosa who, prior to arraignment evaded arrest, appeared in court and pleaded not guilty.

On 15 April 1994, the Regional Trial Court, Branch 9 of Aparri, Cagayan rendered a decision,[2] the dispositive part of which states:

"WHEREFORE, the Court hereby finds the accused Wilfredo Viernes, Joel Sosa, Cornelio Unciano and Romy Patulay (guilty) of the crime of murder defined and penalized by Art. 248 of the Revised Penal Code, qualified by the aggravating circumstance of evident premeditation. The aggravating circumstances of abuse of superior strength and night time were also present."

The decision was amended on 11 May 1994, to read as follows:

"x x x

'The accused are therefore sentenced to suffer imprisonment in reclusion perpetua, there being two aggravating circumstances and except for Wilfredo Viernes who pleaded guilty, no mitigating circumstance, with all its accessory penalties. They are further directed to indemnify the heirs of the deceased jointly and severally Fifty thousand (P50,000.00) pesos, to pay them twenty thousand (P20,000.00) pesos in moral damages and Ten thousand (P10,000.00) pesos in exemplary damages.'

While Wilfredo Viernes is entitled to the beneficial effects of one mitigating circumstance, the same is nullified by the aggravating circumstance of night time. There remains one other aggravating circumstance against him, that of abuse of superior strength. The penalty therefore is the same as the other accused.

SO ORDERED."[3]

In this appeal, appellants raise the following assignments of error:

"FIRST

ASSIGNMENT OF ERROR

THE LOWER COURT ERRED IN NOT FINDING THAT THE ACCUSED WILFREDO VIERNES ACTED IN SELF-DEFENSE.

SECOND

ASSIGNMENT OF ERROR

THE LOWER COURT ERRED IN FINDING THAT THERE WAS CONSPIRACY AND EVIDENT PREMEDITATION IN THE COMMISSION OF THE OFFENSE.

THIRD

ASSIGNMENT OF ERROR

THE LOWER COURT ERRED IN THE FINDING THAT THE AGGRAVATING CIRCUMSTANCES OF NIGHT TIME AND ABUSE OF SUPERIOR STRENGTH WERE ALSO PRESENT IN THE COMMISSION OF THE CRIME."[4]

The prosecution presented five (5) witnesses, but only two (2) of them claim to have seen the incident, namely, Sonny Doniego, brother of the deceased, and Dionisio Crisostomo, Sonny's friend. They testified that at about 8 p.m. of 19 December 1991, Sonny Doniego, Dionisio Crisostomo and Herminio Doniego went to the house of one Nanding Tomas who was showing films for a fee. The house of Nanding Tomas is located about twelve (12) meters away from the road. About seven (7) meters from the road is a fence and three (3) meters from the fence is a concrete wall of an improvised terrace.[5] When the three (3) arrived, several adults and children were already seated inside the house. Others who could not be accommodated inside the house were crowded outside of the house. Witnesses Dionisio Crisostomo and sonny Doniego were standing between the fence and the improvised terrace outside the house[6] while the would-be deceased was standing at the entrance of the improvised terrace.[7]

Accused-appellant Viernes was also situated outside the house, two (2) persons away from witness Dionisio.[8] The latter, however, changed his testimony saying that accused-appellant Viernes was not present at the house of Nanding Tomas.[9] Viernes, according to Dionisio, approached Herminio Doniego "from the feeder of the road" as the latter was coming out to urinate.[10] Viernes allegedly stabbed Herminio frontally while co-accused Joel Sosa, Romy Patulay and Cornelio Unciano held him (Herminio). After the incident, all the four (4) accused ran away and left the assaulted lying on the ground. Dionisio declared that he saw Viernes stab the deceased only once[11] while Sonny Doniego testified that he saw Viernes stab his brother twice.[12] The municipal health officer of Buguey, Dr. Teddy Unida, made a post-mortem examination of the body of deceased Herminio.[13] His findings reveal two (2) stab wounds: one located on deceased's left breast which caused his death and the other located on his left thigh.

Accused Viernes' version of the incident is, on the other hand, as follows: he (Viernes) alone went to the house of Nanding Tomas in Buguey, Cagayan to watch a betamax movie. He was seated in one of the benches near the door but outside the house of Nanding Tomas.[14] Five (5) minutes later, some persons arrived to watch the movie and placed themselves behind him (accused Viernes). These persons smelled of liquor.[15] The person immediately behind Viernes, namely, Herminio Doniego, pushed his (Viernes) head so that the former could

watch the movie. Viernes obliged but after a while returned his head to its former position so that he could also watch the movie. Herminio pushed his head a second time after which Viernes heard Herminio's companion say "tiroemon" (hit him). Herminio slit Viernes' back with a razor to which the latter immediately responded by facing Herminio and stabbing him on his left breast.[16] (Viernes testified during the cross-examination that he stabbed the deceased twice.[17]) After stabbing Herminio, Viernes ran away for fear that he would be harmed by Herminio's companions Sonny Doniego and Dionisio Crisostomo.

He (Viernes) went home to take a rest, then proceeded to the house of Hermenigildo Rugal, the barangay captain of Quinawegan, Buguey, Cagayan, to seek shelter and to surrender. The barangay captain treated his wound by placing a piece of cloth over it. The next day, he accompanied Viernes to the police department to surrender. As they reached the precinct, Viernes requested SPO1 Teddy Unciano to accompany him to a doctor.

Dr. Teddy Unida's findings reveal that an incise wound measuring six (6) inches in length and one-half (1/2) inch in depth was located at the lumbar region at the back of accused Viernes. No vital organs or veins were affected.[18]

The testimonies of co-accused Cornelio Unciano and Romy Patulay were defenses of alibi. Unciano declared that on 18 and 19 December 1991, he was in their house in Buguey, Cagayan as he had been suffering from sore eyes and an impacted tooth. He told the court that accused Viernes became his friend only after they had both been detained by authorities after the subject incident. However, he knows Viernes because they are barriomates.[19]

Romy Patulay also raised the defense of alibi and averred that on 19 December 1991, he went to watch a betamax movie at the house of Sonny Doniego. The latter was at the time operating the betamax. Upon arriving at Sonny's house, he (Patulay) discovered that he had previously viewed the film. Patulay left Sonny's house with three (3) companions and passed by the house of Nanding Tomas on the way home. He then learned from a second cousin who was at the premises that there had been a commotion (a stabbing incident). Upon advice, they went home.[20]

In the decision of the trial court, no findings of fact in regard to the commission of the offense, were made and the conclusion of the court was contained in one paragraph, to wit:

"From the evidence on record, the Court believes and so holds that the prosecution has sufficiently established the guilt of accused Joel Sosa, Cornelio Unciano and Romy Patulay of the crime of Murder as charged in the Information beyond reasonable doubt. The prosecution's witnesses were more credible. They testified in a direct straightforward manner. Their testimonies bear the ring of truth. Independent of this finding but in addition to it, it bears noting that accused Wilfredo Viernes pleaded guilty on 18 June 1992. From this, conspiracy assumes on all important role, if conspiracy attended the commission of the offense, the act of accused Wilfredo Viernes is the act of all the other accused, namely: Joel Sosa, Cornelio Unciano and Romy Patulay. The location and nature of the fatal injury which from all indications was inflicted last, gives added credence to the testimony of the prosecution witnesses that the other accused helped and held the deceased as he was stabbed by the accused Wilfredo Viernes. The Court is satisfied that there was conspiracy. The Court is further disinclined to credit accused Wilfredo Viernes with the mitigating circumstance of voluntary surrender. His own witness testified that he surrendered out of fear for his life. His surrender could not therefore be considered voluntary." [21]

In their appeal, appellants Viernes, Sosa, Unciano and Patulay would urge this court to review the decision of the trial court which found them guilty of conspiracy to kill the deceased Herminio Doniego. They strongly except to the conclusion that appellants Sosa, Unciano and Patulay held deceased Herminio while Viernes stabbed him. No evidence was allegedly presented by the prosecution to support its theory of conspiracy.[22]

Upon a close review of the records, the court is inclined to believe the version of appellants.

It cannot be denied that appellant Viernes was slashed or slit at the back with a razor, as this fact was testified to by Doctor Unida and documented on a medical certificate^[23] dated 2 June 1992 that was made apart of the evidence for the defense. It can neither be impugned that appellant Viernes was the one who fatally stabbed Herminio Doniego, as he readily admitted this in court. The only question that can be raised from these circumstances is whether or not Viernes acted in complete and valid defense of his person when he stabbed Herminio.

To be sure, there are two (2) versions of the incident: the prosecution endeavored to prove that appellant Viernes met deceased Herminio from the road outside the house of Nanding Tomas and stabbed him while his three (3) co-accused held the deceased, as the latter was coming out of the yard; on the other hand, accused-appellant Viernes maintained that while he was watching a betamax movie inside the yard of Nanding Tomas, Herminio, who was at his back, pushed his head twice in order to see the screen, and as his head again obstructed Herminio's line of vision, the latter slit Viernes' back causing him (Viernes) to turn around and stab Herminio twice.

During the trial, the prosecution never presented any explanation as to the fact that on 19 December 1991, Viernes' back was slashed with a razor. Neither did it deny that such incident took place. It was totally silent on the matter.

This Court thus finds itself confronted with this issue: was appellant Viernes' act of stabbing deceased Herminio done in complete self-defense?

It is well-settled that in cases where the accused pleads self-defense, the burden of proof shifts to said accused to prove by clear and convincing evidence the elements of the plea before he can avail of the benefits of the justifying circumstance of self-defense,^[24] otherwise, conviction is inevitable. The Revised Penal Code requires convincing proof of three (3) indispensable elements of complete self-defense,^[25] to wit:

1. unlawful aggression against the pleader of self-defense;
2. reasonable necessity of the means employed to prevent or repel the unlawful aggression; and
3. lack of sufficient provocation on the part of the person defending himself.

The Court is persuaded that appellant Viernes has sufficiently overcome the burden and proved self-defense in his favor. The three (3) elements of a valid self-defense are present in this case.

The attack made on appellant Viernes was, to his mind, so serious that he had to act swiftly in order to repel the attack; otherwise, the assault on him would not cease. However, it is the prosecution's view, advanced by the Office of the Solicitor General, that there was no more unlawful aggression by the deceased when Viernes stabbed him "as there is no showing that the man had continually attacked him or had persisted in hurting him until he delivered the stab blow. x x x In fact, the wound sustained by appellant (Viernes) which provoked him to stab Herminio Doniego was, according to Dr. Unido only very shallow to affect his vital organ or veins".^[26]

We find the foregoing statement to be radically opposed to normal human experience, i.e., that a man who is threatened with an assault or is physically attacked would instinctively fight back to save himself from any or further injury. It has been said that "the law on self-defense embodied in any penal system in the civilized world finds justification on man's natural instinct to protect, repel, and save his person or rights from impending danger or peril, it is based on that impulse of deliberate preservation born to man as part of his nature as a human being."^[27] We reiterate this observation here.

The unlawful aggression in this case was the attack made by deceased Herminio on appellant Viernes while the latter was watching a betamax movie. The locations of the wounds inflicted on Viernes and on the deceased

indicate the relative positions of Viernes and Herminio at the time of the incident and further reveal that deceased was the unlawful aggressor. The gash at the lumbar region of the back of Viernes must have been made when the latter was unaware of deceased's intent to attack. Without meditating on the consequence of his act, Viernes immediately turned around and stabbed deceased Herminio on the breast.

This brings us to the second element of a valid self-defense: Reasonable necessity of the means used to prevent or repel the unlawful aggression. In any case where self-defense is pleaded, two (2) factors must be considered: reasonableness of the necessity to take a course of action and reasonableness of the means employed to prevent or repel the unlawful aggression. The first depends on the existence of unlawful aggression. If there is no unlawful aggression or if the unlawful aggression had ceased to exist, there is no necessity to take a course of action for there is nothing to prevent or repel. On the other hand, the second factor depends on the nature and quality of weapons, the physical condition and size of the aggressor and the person defending himself, as well as other circumstances of the case.[28]

In the situation at bar, Viernes claims he was slashed or slit with a razor at the back by the deceased. From the location of the wound, it can be assumed that Viernes was not forewarned of the attack. The precipitate and unjustified aggression left Viernes with no other recourse but to stab deceased. To repel the attack by means of a sharp-pointed instrument like a knife was reasonable under the circumstances as this Court so stated in *People v. Encomienda*:

"x x x. Reasonable necessity of the means employed does not imply material commensurability between the means of attack and defense. What the law requires is rational equivalence, in the consideration of which will enter as principal factors the emergency, the imminent danger to which the person attacked is exposed, and the instinct, more than the reason, that moves or impels the defense, and the proportionateness thereof does not depend upon the harm done, but rests upon the imminent danger of such injury. As WE stated in the case of *People v. Lara*, in emergencies of this kind, human nature does not act upon processes of formal reason but in obedience to the instinct of self-preservation; and when it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction that act and hold the act irresponsible in law for the consequences." [29] (underscoring supplied)

Prosecution witness Sonny Doniego testified that he saw Viernes draw a knife from his right side.[30] The knife was, therefore, the only instrument within a manageable distance from Viernes. Regardless of the extent of injury inflicted on him, a person required by the circumstances to act instantaneously in order to resist an attack on his person is justified to render the aggressor harmless even if the resulting injury inflicted on the aggressor is fatal to him. Instinct and not reason moved appellant Viernes to stab the deceased, for which act, he should not later be punished.

The third element of a valid self-defense is lack of sufficient provocation on the part of the person defending himself. As testified to by appellant Viernes, deceased Herminio pushed his head so that he (Herminio) could see the movie. At first, Viernes obliged, but, later on he returned his head to its former position which again covered the screen from deceased's line of vision. After deceased pushed his head a second time, deceased's companion told him "tiroemon", prompting the deceased to slashed Viernes' back.[31] The act of Viernes in covering the screen could perhaps be considered a provocation but not adequate enough to evoke the particular act of aggression adopted by the deceased.

The prosecution alleges that appellant Viernes' theory of self-defense is not credible because it suffers from lack of corroboration and is belied by Viernes' behavior after he committed the crime.[32] The prosecution further avers that the plea of self-defense was an afterthought because when Viernes sought refuge in the house of the barangay captain, he told the latter that he stabbed somebody but did not say that he did it in self-defense. When

Viernes surrendered to the police, he did not also say he injured the deceased in self defense.

The testimony of appellant Viernes may not have been corroborated by other witnesses. But it is more inconsistent with the evidence on record, namely: the number and location of the wounds of the deceased, the laceration at the back of appellant Viernes, the immediate surrender of accused-appellant Viernes to the barangay captain and his account of what really happened; and the surrender of Viernes to police authorities a day after the incident.

The testimony of prosecution witness Hermenigildo Rugal, the barangay captain, relating to Viernes' surrender to him after the incident is as follows:

"COURT:

Q:

What was the appearance of the accused when he went home to you?

A:

He was very much frightened.

Q:

Did you ask him why?

A:

He informed me that he stabbed somebody, sir.

Q:

Was that all you observed him?

A:

After a while he showed me his wound.

ATTY. RAPANAN:

Q:

Did you see his wound?

A:

Yes, sir, at his back.

Q:

Was the wound still bleeding?

A:

There was still some blood.

Q:

As a Barangay Captain what did you do when you saw the wound of the accused at his buttock?

x x x

WITNESS:

Q:

I sent someone to call for his relatives.

ATTY. RAPANAN:

Q:

Now, did you see how long the wound on the buttocks of the accused?

APP. MIGUEL:

Q:

Witness is incompetent to answer the question.

COURT:

Q:

Witness may answer the question.

WITNESS:

Q:

I did not mind about the size of the wound.

COURT:

Q:

Did you see the wound?

A:

Yes, sir.

Q:

Was it still bleeding?

A:

There was still bleeding, a little, sir.

Q:

Can you approximate the width?

A:

More or less seven (7) inches width [sic], sir.

Q:

You mean that it was a hacky wound?

A:

I do not know, sir."[33]

The barangay captain testified that Viernes came to see him on the night of 19 December 1991 telling him that he stabbed Herminio. Viernes then showed him his wound. Viernes' testimony on this matter is as comes next:

"Q:

Will you tell the Honorable Court if the barangay captain asked from you why you were wounded?

A:

Yes, sir.

Q:

What did you tell to him?

A:

I told him that I was injured by Herminio Doniego, sir.

Q:

Did you tell him also that you stabbed Herminio Doniego?

A:

Yes, sir.

Q:

And on the following day, where did you and the barangay captain go?

A:

I asked him to accompany me to the police department, sir.

COURT:

Q:

When you asked the barangay captain to accompany you to the police department, did you already know that the victim was already dead?

A:

No, sir."[34]

The next day, the barangay captain accompanied Viernes to the police station to surrender. Teddy Unciano, a police officer, recorder this fact in a police blotter, indicating therein that Viernes surrendered to the station "for safekeeping and interrogation".[35]

Appellant Viernes' testimony strikes us as a frank and honest account of the incident. The barangay captain's testimony, though it did not touch on the fact of stabbing, revealed Viernes' behavior after the stabbing incident. It likewise strengthened Viernes' theory of self-defense.

The manner in which appellant Viernes acted two (2) hours after the incident, at the house of the barangay captain, disclosed more than the words that the prosecution wanted him to say. Viernes' failure to say that he stabbed deceased in self-defense did not prove that he did not act in self-defense.

Moreover, it is important to note that there was no motive shown for accused-appellant Viernes to kill the victim. There is no record of any occurrence before 19 December 1991 or immediately before the stabbing incident that could have moved Viernes to kill Herminio. "Though the general rule is that motive is not essential to a conviction especially where the identity of the assailant is duly established by other competent evidence or is not disputed, the absence of such motive is important in ascertaining the truth as between two antagonistic theories or versions of the killing." [36]

Coming now to the three (3) other accused, there is no iota of evidence on record that they conspired with appellant Viernes to kill Herminio apart from the testimonies of Sonny Doniego and Dionisio Crisostomo. Since this court believes that Viernes acted in complete self-defense, the suddenness of the attack rules out the theory of conspiracy. Moreover, the prosecution's case against the three (3) co-accused does not meet the standard of guilt beyond reasonable doubt. Well-entrenched in our jurisprudence is the rule that conspiracy must be proved as convincingly as the crime itself. As this Court ruled in *People v. Custodio* [37]

"... [C]onspiracy presupposes the existence of a preconceived plan or agreement and in order to establish the existence of such a circumstance, it is not enough that the persons supposedly engaged or connected with the same be present when the crime was perpetrated. There must be established a logical relationship between the commission of the crime and the supposed conspirators, evidencing a clear and more ultimate connection between and among the latter, such as by their overt acts committed in pursuance of a common design. Considering the far-reaching consequences, of criminal conspiracy, the same degree of proof required from establishing the crime is required to support a finding of its presence that is, it must be shown to exist as clearly and convincingly as the commission of the offense itself." (underscoring supplied)

The evidence of the prosecution on the matter of conspiracy falls short of this requirement. The evidence mainly point to the act of stabbing the deceased and what occurred thereafter. Whatever the prosecution witnesses testified to before the stabbing would be of little or no value as they themselves admitted that minutes before the commotion, they were watching a betamax and their attention was focused on the screen. As the stabbing happened, by the prosecution's own version, outside the fence, or on the road outside the house of Nanding Tomas, it is possible that they only saw that part when Viernes stabbed the deceased while the three (3) co-accused were holding him (the deceased). This picture does not of itself demonstrate a concurrence of will or unity of purpose and action. The mere holding of the deceased's hand does not necessarily prove intention to kill, [38] because it may be that they (co-accused) were trying to prevent the stabbing of the deceased when the prosecution witnesses saw them. Absent any act or circumstances from which may logically be inferred the existence of a common design among the accused to commit the crime, the theory of conspiracy remains a speculation, not a fact.

The prosecution's evidence is weak and has not proved the existence of conspiracy. Therefore, it behooves this Court to acquit all the accused-appellant Viernes on the basis of complete self-defense, and the three (3) other accused on the ground that the evidence is not sufficient to pronounce them guilty beyond reasonable doubt of the crime of murder.

Before we end the discussion, we note once more the trial court's decision that did not contain any findings of fact which are essential in decision-making. In view of the Constitutional provision that "no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based", [39] the Court reiterates that it is mandatory on all judges to observe this rule which enlightens not only the counsels, for purpose of appeal, if any, but most especially the parties, as to what has been decided and why it has been so decided.

WHEREFORE, the decision appealed from is REVERSED and accused-appellants Wilfredo Viernes, Joel Sosa,

Cornelio Unciano and Romy Patulay are ACQUITTED of the crime charged. Their immediate release is hereby ORDERED unless they are detained for some other lawful cause.

SO ORDERED.

Bellosillo, Vitug, Kapunan, and Hermosisima, JJ., concur.

- [1] Original Records, p. 1-a.
- [2] Rollo, pp. 75-77; penned by Exec. Judge Emerito M. Agcaoili.
- [3] Rollo, p. 78.
- [4] Original Records, p. 59.
- [5] TSN of testimony of Dionisio Crisostomo, 17 August 1992, pp. 40-41.
- [6] Ibid., p. 41.
- [7] Ibid., p. 45.
- [8] Ibid., p. 42.
- [9] Ibid., p. 55.
- [10] Ibid., p. 48.
- [11] Ibid., p. 63.
- [12] TSN of testimony of Sonny Doniego, 29 September 1992, p. 105.
- [13] Original Records, p. 2.
- [14] TSN of testimony of Wilfredo Viernes, 19 May 1993, p. 145.
- [15] Ibid., p. 146.
- [16] Ibid., p. 148.
- [17] Ibid., p. 176.
- [18] TSN of testimony of Dr. Teddy Unida, 13 July 1993, pp. 191-193.
- [19] TSN of testimony of Cornelio Unciano, 15 July 1993, p. 233.
- [20] TSN of testimony of Romy Patulay, 4 August 1993, pp. 244-265.
- [21] Rollo, p. 45.
- [22] Rollo, p. 67.
- [23] Original Records, p. 224.
- [24] People v. Lualhati, G.R. No. 105289-90, 21 July 1994, 234 SCRA 325.
- [25] Revised Penal Code, Article 11(1).
- [26] Rollo, p. 97.
- [27] People v. Boholst-Caballero, No. L-23249, 25 November 1974, 61 SCRA 180.

- [28] Reyes, L.B., The Revised Penal Code, Vol. I, 1981 ed., pp. 178-187.
- [29] People of the Philippines v. Encomienda, No. L-26750, 18 August 1972, 46 SCRA 522, 534 citing the case of People v. Lara, 48 Phil. 153.
- [30] TSN of testimony of Sonny Doniego, 28 September 1992, p. 103.
- [31] TSN of testimony of Wilfredo Viernes,, 19 May 1993, p. 146-147.
- [32] Original Records, Plaintiff-Appellee's Brief, p. 95.
- [33] TSN of testimony of Herminigildo Rugal, TSN, 24 February 1993, pp. 115-118.
- [34] TSN of testimony of Wilfredo Viernes, 20 May 1993, pp. 157-158.
- [35] Original Records, p. 223.
- [36] People vs. Boholst-Caballero, Ibid., p. 191.
- [37] No. L-30463, 30 October 1972, 47 SCRA 289, 302.
- [38] People v. Jorge, G.R. No. 99379, 22 April 1994, 231 SCRA 693, 699.
- [39] 1987 Constitution, Art. VIII, Sec. 14.

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.