

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CASIANO BUNTAG ALIAS “CIANO” AND DIEGO BONGO, APPELLANTS.

G.R. No. 123070. April 14, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-123070/>

CALLEJO, SR., J.:

This is an appeal from the Decision[1] of the Regional Trial Court of Tagbilaran City, Branch 3, in Criminal Case No. 7729, convicting the appellants Casiano Buntag alias “Ciano” and Diego Bongo of murder, sentencing each of them to reclusion perpetua, and directing them to jointly indemnify the heirs of the victim Berno Georg Otte the sum of P50,000 as moral damages.

The Indictment

The appellants were charged with murder in an Information, the accusatory portion of which reads:

That on or about the 9th day of February, 1992, in the municipality of Panglao, province of Bohol, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and without any justifiable cause, conspiring, confederating and mutually helping each other, with treachery by the suddenness and unexpectedness of the acts, the victim who was unarmed being then unaware thereof, did then and there willfully, unlawfully and feloniously attack, assault and stab with the use of a bladed instrument one Berno Georg Otte (a German national), hitting and injuring the latter on his chest, thereby causing his immediate death; to the damage and prejudice of the heirs of the victim in the amount to be proved during the trial.

Acts committed contrary to the provisions of Art. 248 in relation to Art. 14 all of the Revised Penal Code as amended.[2]

The Case for the Prosecution

Before February 8, 1992, Berno Georg Otte,[3] a German national and a tourist, checked in at the Alona Ville Beach Resort located in Panglao, Bohol. The resort manager, Herma Clarabal Bonga,[4] assigned Otte to Room No. 9[5] and gave the latter his room key.

On February 8, 1992, Otte took his dinner at the resort’s restaurant. Bonga talked to him regarding the disco which was about to unfold that night in lower Tawala near the Catibo Chapel.[6]

At about 10:00 p.m., Bonga went to the disco party where she saw Otte seated at one of the tables.[7] She noticed that he had some companions whom she failed to recognize.[8]

Isidro A. Mihangos, a 19-year-old student, and Benigno “Ninoy” Guigue were also at the disco. At around 2:00 a.m. of February 9, 1992, Mihangos and Guigue decided to call it a night and walked home, with their respective bicycles at their sides.[9] At the crossing to the Alona Beach, they saw a man lying on the road but did not recognize him. They walked past the prostrate man. When they were about twenty-five meters[10] away from the body by the road, they met Casiano Buntag and Diego Bongo, their barriomates.[11] Suddenly, Buntag and

Bongo jointly and simultaneously lunged at them. Afraid for their lives, Mihangos and Guigue fled and sought refuge in the house of Guigue's uncle, Aquilino Bongo.[12] In the process, they left their bicycles behind. Aquilino Bongo then accompanied Mihangos and Guigue to where they left their bicycles. Mihangos and Guigue retrieved their bicycles, but Buntag and Bongo were no longer there.

At around 5:30 a.m. of February 9, 1992, the police station of Panglao, Bohol, received a report by radio call about a man, believed to be dead, lying at the side of the crossroad near the Alona Beach.[13] PO1 Yolando E. Hormachuelos, together with PO1 Mauro Sumaylo and PO1 Dominie Ragusta,[14] proceeded to the crime scene. They were accompanied by the Municipal Health Officer, Dr. Julita L. Cogo, who confirmed that the man died due to a stab wound.[15] The policemen found a hunting knife about one meter away from the body.[16] Constancio Geoivencal took pictures of the cadaver. Hormachuelos took custody of the knife.[17]

In the course of their investigation, the policemen learned that Mihangos and Guigue had seen the dead body by the road. Hormachuelos fetched Mihangos and Guigue from their houses and brought them to the road where the body of Otte was found. Mihangos and Guigue narrated how they found the body at around 2:00 a.m. that day, as well as their encounter with Bongo and Buntag.

At about 1:00 p.m. that day, Hormachuelos took appellant Bongo to the police station and investigated him without the assistance of counsel. Bongo admitted that he took Otte's key to Room No. 9 and hid it near their house. He then drew a sketch showing the place where he hid the key, at the back of their house. Bongo also admitted that he was with appellant Casiano Buntag. The policemen went to Bongo's house and recovered the key to Otte's room as indicated by Bongo in his sketch.

At 2:00 p.m., Guigue arrived at the police station and gave his statement to Hormachuelos.[18] At 3:00 p.m., Mihangos gave his statement to SPO1 Proculo Bonao.[19] Hormachuelos then took custody of Casiano Buntag and brought him to the police station where he was asked about his involvement in the killing of Otte without the assistance of counsel. However, Buntag opted to keep silent. When apprised that Diego Bongo had implicated him, Buntag, this time with the assistance of his counsel, Atty. Nerio G. Zamora, gave a statement on February 13, 1992 to a police investigator. He stated that at 1:00 a.m. on February 9, 1992, he was walking back home from the disco place where he caught up with Diego Bongo and Otte at the crossing of Alona Beach. He saw Bongo poke a knife at Otte. Bongo then ordered him to box Otte but he refused, and moved back about three meters. Bongo himself then boxed Otte three times on the face. When Otte fell to the ground, Bongo stabbed him on the chest. Buntag also stated that he then ran back home, but Bongo followed him and cautioned him not to reveal the incident to anybody or else he would be implicated.[20] Buntag subscribed and swore to the truth of his statement on February 21, 1992 before Judge Antonio Sarce of the Municipal Circuit Trial Court.

In the meantime, Municipal Health Officer Dr. Julita Lood-Cogo performed an autopsy on the cadaver of Otte and submitted her Post-Mortem Report which contained the following findings:

Stab wound, anterior chest, right, at the level of the 4th rib, approx. 2 cms. x 1 cm. in size, with a depth of approx. 12 cms., directed upwards and medially, with a complete fracture of the 4th rib, right, involving a portion of the right lung and base of the heart.

Cause of death:

CARDIORESPIRATORY ARREST DUE TO HEMORRHAGE, SECONDARY TO STAB WOUND, ANTERIOR CHEST, RIGHT.[21]

On March 7, 1992, a criminal complaint for murder was filed against appellants Bongo and Buntag with the Municipal Circuit Trial Court. Attached to the records was Buntag's sworn statement dated February 21, 1992. Only appellant Bongo submitted his counter-affidavit on February 27, 1992, subscribed and sworn to before

Judge Antonio Sarce,[22] where he confirmed (a) Buntag's account in his sworn statement before Judge Sarce that they were with Otte at 1:00 a.m. on February 9, 1992 at the crossing towards Alona Beach Resort, and (b) that he was armed with a hunting knife. He further stated therein that while at the crossing, Buntag and Otte, who were both drunk, had an altercation and that he tried to pacify them but in the process, Buntag pulled out his (Bongo's) hunting knife from his waist and stabbed Otte with it.[23]

After the requisite preliminary investigation, the MCTC issued a resolution finding probable cause against the appellants for murder and issued warrants for their arrest. The court found Buntag's sworn statement and Bongo's counter-affidavit self-serving.

On June 4, 1992, the day of the appellant's arraignment in the Regional Trial Court, appellant Buntag, through counsel, Atty. Nerio G. Zamora, filed a "Motion to Discharge (him) to be a Witness for the Prosecution," alleging inter alia:

- 1) That there is absolute necessity for the testimony of said accused whose discharge is requested;
- 2) That there is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said accused, as can be shown by the affidavit of said accused in relation to the affidavits or sworn statements of Ponciano Horcerada, Isidro Mihangos, Benigno Guigue, Alfredo Guioguio, and PO1 Yolando [E.] Hormachuelos;
- 3) That the testimony of herein accused can be substantially corroborated in its material points;
- 4) That the said accused does not appear to be the most guilty; and
- 5) That the said accused has not at any time been convicted of any offense involving moral turpitude;
- 6) That herein accused-movant hereby expresses his consent to be a witness for the government.[24]

However, the prosecution opposed the motion on the ground that both accused were equally guilty. On June 8, 1992, the court issued an Order denying the motion, and the appellants, assisted by their respective counsels, entered pleas of not guilty.[25]

During the trial, the prosecution presented Judge Antonio G. Sarce who testified that he conducted the preliminary examination of the case and identified both Buntag's sworn statement and Bongo's counter-affidavit as subscribed and sworn to before him (Judge Sarce) in his chambers.

After presenting all its witnesses, the prosecution offered in evidence the hunting knife,[26] the key to room no. 9 of the beach resort,[27] the sworn statement of Buntag,[28] and Bongo's counter-affidavit[29] to prove that both appellants conspired to kill the victim and that they in fact killed the victim, and as part of the testimony of Judge Sarce. Both appellants objected to the admission of the said sworn statements and counter-affidavit solely on the ground that the statements executed by one accused was hearsay as to the other accused.[30] By way of rejoinder, the prosecution alleged as follows:

- That exhibits A, B, C, D, E and all its submarkings are all relevant, pertinent and material evidence against the accused in the above-entitled case, therefore, admissible in evidence;
- That exhibits F and all its submarkings are not hearsay and do not violate the res inter alios acta rule because they are principally offered against accused Casiano Buntag, the affiant. The sworn statement of Casiano Buntag is offered mainly as admission of said accused Casiano Buntag;
- That exhibits G and all its submarkings are not hearsay and do not violate the res inter alios acta rule because they are principally offered against accused Diego Bongo, the affiant. The counter-affidavit of Diego Bongo is offered mainly as admission of said accused Diego Bongo.

WHEREFORE, it is most respectfully prayed of this Honorable Court to admit in evidence all the prosecution's exhibits formally offered, for the purpose for which they are being offered.[31]

The court admitted the documentary and object evidence of the prosecution. The appellants opted not to adduce any evidence on their behalf. Instead, they filed, without leave of court, a "Motion to Acquit." On June 7, 1993, the court issued an Order denying the motion.

On August 14, 1995, the trial court rendered judgment finding both the appellants guilty of the crime charged. The decretal portion of the decision of the trial court reads:

FROM THE FOREGOING PREMISES, this Court renders judgment finding the two (2) accused Casiano Buntag, alias Ciano, and Diego Bongo guilty beyond reasonable doubt of the crime of MURDER, an act committed contrary to the provisions of Article 248, in relation to Article 14 of the Revised Penal Code, as amended, and does hereby sentences each one of them to the penalty of Reclusion Perpetua, with all the accusatory penalties imposed by law.

There being no evidence disclosed as to the civil liability, this Court, therefore, limits in providing that the accused shall pay jointly the heirs of the deceased Berno Georg Otte the amount of Fifty Thousand Pesos (P50,000.00), by way of moral damages, but without subsidiary imprisonment in case of insolvency.

Without pronouncement as to costs.

SO ORDERED.[32]

The trial court relied, inter alia, on the sworn statement of Buntag dated February 21, 1992[33] and the counter-affidavit of Bongo[34] in convicting them of the crime charged. Both the appellants appealed the decision.

Although the appellants enumerated separate issues in their briefs, the same may be synthesized into three issues, namely: (a) whether or not the prosecution proved beyond reasonable doubt that they conspired to kill the victim Otte and that they, in fact, killed him; (b) whether or not the appellants are guilty of murder; and, (c) whether or not the appellants are liable for moral damages to the heirs of the victim. Appellant Bongo's contention that he was deprived of his right to due process on his claim that the transcripts of the respective testimonies of Dr. Julita Cogo, SPO1 Bonao and resort manager Bonga were not transmitted to this Court is belied by the records. In a Resolution dated September 11, 2000, the Court declared that, based on the records, the transcripts of stenographic notes in this case were already complete.[35]

The appellants contend that the prosecution failed to adduce direct or circumstantial evidence to prove that they conspired to kill the victim, and that they, in fact, killed him. They argue that although the prosecution adduced circumstantial evidence consisting of the extrajudicial sworn statement of appellant Buntag and the counter-affidavit of appellant Bongo, such evidence is utterly insufficient to prove their guilt beyond reasonable doubt.

Furthermore, according to the appellants, the admissions made by appellant Buntag in his sworn statement are binding on him only. Being prejudicial to appellant Bongo, such admissions are not inadmissible against the latter unless repeated in open court by appellant Buntag, thus, affording appellant Bongo the right to cross-examination. Likewise, the admissions of appellant Bongo in his sworn statement are inadmissible against appellant Buntag, unless the former repeated his admissions during the trial, affording the latter an opportunity to cross-examine the said appellant. The appellants further aver that since they opted not to testify on their respective statements, there was no opportunity for cross-examination. Consequently, the admissions made by one appellant in his sworn statement are hearsay evidence against the other appellant, and vice versa. In fine, the appellants contend that the

trial court should have acquitted them of the crime charged.

We agree with the appellants that the prosecution failed to adduce direct evidence that they conspired to kill Otte and that they, in fact, stabbed and killed the victim. However, we find and so hold, after an incisive review of the records, that the prosecution adduced sufficient circumstantial evidence to prove the guilt of the appellants beyond reasonable doubt.

Article 8 of the Revised Penal Code provides that there is conspiracy when two or more persons agree to commit a crime and decide to commit it. Direct proof is not essential to establish conspiracy, and may be inferred from the collective acts of the accused before, during and after the commission of the crime.[36] Conspiracy can be presumed from and proven by acts of the accused themselves when the said acts point to a joint purpose and design, concerted action and community of interests.[37] It is not necessary to show that all the conspirators actually hit and killed the victim. Conspiracy renders all the conspirators as co-principals regardless of the extent and character of their participation because in contemplation of law, the act of one conspirator is the act of all.[38]

The crime charged may also be proved by circumstantial evidence, sometimes referred to as indirect or presumptive evidence. Circumstantial evidence is sufficient on which to anchor a judgment of conviction if the following requisites are established: (a) there is more than one circumstance; (b) the facts from which the inferences are derived have been established; and, (c) the combination of all the circumstances is such as to warrant a finding of guilt beyond reasonable doubt.[39]

In *People v. Delim*,[40] we held, thus:

The prosecution is burdened to prove the essential events which constitute a compact mass of circumstantial evidence, and the proof of each being confirmed by the proof of the other, and all without exception leading by mutual support to but one conclusion: the guilt of the accused for the offense charged. For circumstantial evidence to be sufficient to support a conviction, all the circumstances must be consistent with each other, consistent with the hypothesis that accused is guilty and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt. If the prosecution adduced the requisite circumstantial evidence to prove the guilt of the accused beyond reasonable doubt, the burden of evidence shifts to the accused to controvert the evidence of the prosecution.[41]

In convicting the appellants of the crime charged, the trial court relied not only on the counter-affidavit of appellant Bongo[42] and appellant Buntag's sworn statement,[43] but also on the other evidence on record, namely, the knife used in killing the victim,[44] the key to Otte's room,[45] and the collective testimonies of the other witnesses of the prosecution.

The general rule is that the extrajudicial confession or admission of one accused is admissible only against the said accused but is inadmissible against the other accused.[46] The same rule applies if the extrajudicial confession is made by one accused after the conspiracy has ceased. However, if the declarant/admitter repeats in court his extrajudicial confession during trial and the other accused is accorded the opportunity to cross-examine the admitter, such confession or admission is admissible against both accused.[47] The erstwhile extrajudicial confession or admission when repeated during the trial is transposed into judicial admissions.

In criminal cases, an admission is something less than a confession. It is but a statement of facts by the accused, direct or implied, which do not directly involve an acknowledgment of his guilt or of his criminal intent to commit the offense with which he is bound, against his interests, of the evidence or truths charged.[48] It is an acknowledgment of some facts or circumstances which, in itself, is insufficient to authorize a conviction and which tends only to establish the ultimate facts of guilt.[49] A confession, on the other hand, is an acknowledgment, in express terms, of his guilt of the crime charged.[50]

In this case, appellant Buntag made extrajudicial admissions against his interest in his sworn statement, and not a confession. So did appellant Bongo in his counter-affidavit. Such admissions in the form of affidavits, made in the Municipal Trial Court in the course of its preliminary investigation, are high quality evidence.[51] MCTC Judge Antonio Sarce testified on the said sworn statement and counter-affidavit and was cross-examined.[52] Moreover, some of the extrajudicial inculpatory admissions of one appellant are identical with some of the extrajudicial inculpatory admissions of the other, and vice versa. This corroborates and confirms their veracity. Such admissions, made without collusion, are akin to interlocking extrajudicial confessions. They are admissible as circumstantial evidence against the other appellant implicated therein to show the probability of his participation in the commission of the crime and as corroborative evidence against him.[53] The Court rejects the appellants' contention that they were deprived of their right to cross-examine the other on the latter's admissions against the other. Through their common counsel, they opted not to testify and be cross-examined on their respective statements by the prosecution. They opted to file a motion to acquit. Besides, they had opportunity to cross-examine Judge Sarce before whom they swore to the truthfulness of their statements.[54]

In this case, the prosecution adduced the following circumstantial evidence which constitutes proof beyond reasonable doubt that the appellants, indeed, conspired to kill and did kill the victim:

- Appellant Buntag admitted, in his sworn statement,[55] that, at about 1:00 a.m. on February 9, 1992, he was in the company of appellant Bongo and the victim Otte at the crossing of Alona Beach, and that appellant Bongo was armed with a hunting knife. Appellant Buntag identified the victim through the latter's picture, as well as the hunting knife used in the killing.[56] Appellant Bongo, in his counter-affidavit, confirmed the truth of appellant Buntag's admissions and also admitted that on the said date, time and place, he was with appellant Buntag and the victim, and that he was armed with a hunting knife which was tucked on his waist.

- The appellants admitted in their respective statements that on the said occasion, Otte died from a stab wound caused by a hunting knife.

- Appellant Bongo admitted in his counter-affidavit that he took the key to the victim's room and hid it near their house where the policemen found it.

- While both appellants were within the periphery of the situs criminis, Mihangos and Guigue sauntered by with their bicycles at their sides. Suddenly, the appellants jointly and simultaneously lunged at them, causing Mihangos and Guigue to believe that their lives were in peril, impelling them to run for their lives and seek sanctuary in the house of Guigue's uncle, Aquilino Bongo. By the time Mihangos and Guigue returned to the situs criminis to retrieve their bicycles, the appellants had already left.

- In his sworn statement, appellant Buntag admitted that after the victim was stabbed, he and appellant Bongo fled from the situs criminis. This was corroborated by the testimony of Mihangos. The presence of both appellants at the situs criminis and their flight from the scene are strong indicia of their participation in the commission of the crime and their complicity therein.[57] Appellant Bongo opted not to testify or adduce evidence to controvert the testimony of Mihangos and the admissions of the appellant prejudicial to him.

- The hunting knife of appellant Bongo which was used to kill the victim was left at the scene of the crime where the policemen recovered it shortly thereafter.

- The appellants admitted in their respective sworn statements that the victim was stabbed once with a hunting knife. These admissions were corroborated by Dr. Julita Cogo's finding that the victim was stabbed once on the anterior chest area.[58] The doctor testified that the stab wound could have been caused by a sharp-edged weapon.[59]

- Neither of the appellants brought the victim to the hospital for immediate medical attendance and operation.
- Although the appellants pointed to the other as the assailant in their respective statements, neither of them reported the stabbing to the police authorities and claimed that the other killed the victim.
- Neither of the appellants took the witness stand to deny any involvement in the killing of the victim. The evidence of the prosecution, thus, stands unrebutted.

The appellants cannot rely on the exculpatory portions of their respective statements as basis for their acquittal of the crime charged. In the case of appellant Buntag, he avers in his sworn statement that he was ordered by appellant Bongo to box the victim and when he refused, appellant Bongo himself boxed and stabbed the victim with the hunting knife. When appellant Buntag fled from the scene and went back home, appellant Bongo followed and warned him not to divulge the incident so that he would not be implicated. For his part, appellant Bongo turned the tables on appellant Buntag and claimed in his counter-affidavit that the latter snatched the hunting knife from his waist and stabbed the victim in the heat of their altercation. The stabbing was so sudden, he insists, that he was unable to stop appellant Buntag from stabbing the victim.

We are not persuaded by the claims of the appellants for the following reasons:

First. Contrary to the claim of appellant Buntag that appellant Bongo boxed the victim, the necropsy report of Dr. Cogo failed to show that the victim's body sustained hematoma, bruises or contusions. The findings of the doctor must prevail as against the bare statements of the appellants.

Second. Appellant Buntag admitted in his sworn statement that before he and appellant Bongo could leave the situs criminis after the victim was stabbed, Mihangos and Guigue arrived. The appellants lunged jointly and simultaneously at the two teenagers which so terrified the latter that they fled for their lives. If, as appellant Buntag claims, he had nothing to do with the stabbing of the victim, he should have sought the help of the teenagers, brought the victim to the hospital and reported to the police authorities that it was appellant Bongo who stabbed the victim. Appellant Buntag failed to do so. Neither did appellant Bongo seek the help of the two teenagers and report the stabbing to the police authorities. Both appellants' unexplained omission is another indication of their conspiracy and complicity in the crime charged.

Third. Appellant Bongo took the key from the body of the victim and hid it near their house where the policemen found it. The appellant has not explained why he had the key to the victim's room and hid it near their house. He owned the hunting knife used in stabbing the victim. He knew or should have known that sooner or later, the policemen would trace the knife to him; and yet, appellant Bongo failed to report the incident to the police authorities and surrender the knife to them.

Fourth. Appellant Bongo denied involvement in the killing and pointed to appellant Buntag as the assailant only after the latter had executed his own sworn statement pointing to appellant Bongo as the victim's assailant. We are convinced that appellant Bongo's denial of any involvement in the killing is but a belated afterthought to escape criminal liability for the victim's death.

The trial court convicted the appellants of murder under Article 248 of the Revised Penal Code, as amended, and sentenced each of them to reclusion perpetua. We note, however, that the trial court, in its amended decision, made no finding on any attendant circumstance which would qualify the killing to murder. It bears stressing that under the Rules of Criminal Procedure, any qualifying circumstance attendant to the commission of a crime must be alleged in the Information and proved by the prosecution, conformably to the constitutional right of an accused to be informed of the nature of the charges against him.

In this case, the Information alleged that treachery was attendant in the commission of the crime. The prosecution was burdened to prove beyond reasonable doubt, not only the crime itself, but also the qualifying circumstance of alevosia.[60] Treachery cannot be based on speculations and surmises. In order that treachery may be appreciated as a qualifying circumstance under Article 14 of the Revised Penal Code, the prosecution is burdened to prove that (a) the malefactor employed means, method or manner of execution affording the person attacked no opportunity to defend himself or to retaliate and, (b) the means, method or manner of execution was deliberately or consciously adopted by the offender. In this case, there was no eyewitness to the crime.

On the other hand, appellant Buntag, in his sworn statement, claimed that before the victim was stabbed, appellant Bongo and the victim had an altercation; appellant Bongo, in his counter-affidavit, stated that it was appellant Buntag and the victim who had an altercation before the victim was killed. There is no evidence that the appellants deliberately or consciously adopted a method or means of execution to insure the death of the victim.

In fine then, the appellants are guilty only of homicide, punishable under Article 249 of the Revised Penal Code with reclusion temporal in its full range, which is twelve (12) years and one (1) day to twenty (20) years. There being no modifying circumstance attendant to the crime, the maximum of the indeterminate penalty should be in its medium period.

The trial court awarded moral damages to the heirs of the victim, although the prosecution failed to present any heir of the victim as witness. The trial court, likewise, failed to award civil indemnity ex delicto to the heirs of the victim. The decision of the trial court shall, thus, be modified accordingly.

IN LIGHT OF ALL THE FOREGOING, the Decision of the Regional Trial Court of Tagbilaran City, Branch 3, in Criminal Case No. 7729 is AFFIRMED WITH MODIFICATIONS. Appellants Casiano Buntag alias “Ciano” and Diego Bongo are found guilty, as principals, of homicide under Article 249 of the Revised Penal Code. There being no modifying circumstances attendant to the crime, each of the appellants are sentenced to suffer an indeterminate penalty from ten (10) years of prision mayor, in its medium period, as minimum, to sixteen (16) years and one (1) day of reclusion temporal in its medium period, as maximum. The award of moral damages is deleted. The said appellants are ordered to pay, jointly and severally, to the heirs of the victim Berno Georg Otte, P50,000 as civil indemnity, conformably to current jurisprudence.[61] Costs de oficio.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

[1] Penned by Judge Pacito A. Yape.

[2] Records, p. 38.

[3] Also referred to as “Otti” in some parts of the records of the case.

[4] Records, p. 14.

[5] TSN, 7 October 1992, pp. 6-7.

[6] Id. at 5.

[7] Id. at 8-10.

[8] TSN, 20 October 1992, p. 2.

[9] TSN, 6 October 1992, pp. 22-23.

- [10] Id. at 38-39.
- [11] Id. at 25-27.
- [12] Id. at 29.
- [13] Records, p. 13.
- [14] Id. at 13.
- [15] TSN, 5 October 1992, p. 6.
- [16] Id. at 7.
- [17] Exhibit “D.”
- [18] Records, p. 7.
- [19] Id. at 8.
- [20] Exhibit “F.”
- [21] Exhibit “A.”
- [22] Exhibit “G.”
- [23] Ibid.
- [24] Records, p. 47.
- [25] Id. at 49.
- [26] Exhibit “D.”
- [27] Exhibit “E.”
- [28] Exhibit “F.”
- [29] Exhibit “G.”
- [30] Records, pp. 83-84.
- [31] Id. at 85.
- [32] Id. at 168.
- [33] Exhibit “F.”
- [34] Exhibit “G.”
- [35] Rollo, p. 277.
- [36] *People v. Templa*, 363 SCRA 291 (2001).
- [37] *People v. Licayan*, 363 SCRA 234 (2001).
- [38] *People v. Sanchez*, 313 SCRA 254 (1999).
- [39] See Section 4, Rule 133 of the Revised Rules of Evidence.
- [40] G.R. No. 142773, January 28, 2003.

[41] Id. at 19-20.

[42] Exhibit “G.”

[43] Exhibit “F.”

[44] Exhibit “D.”

[45] Exhibit “E.”

[46] Section 28, Rule 130 of the Revised Rules of Evidence provides:

Sec. 28. Admission by third party. – The right of a party cannot be prejudiced by an act, declaration, or omission of another, except as hereinafter provided; *People v. Crispin*, 327 SCRA 167 (2000).

[47] See *People v. Panida*, 310 SCRA 66 (1999).

[48] Francisco, *The Revised Rules of Court*, Vol. VII, Part I, 1990 ed., pp. 302-303.

[49] *People v. Zuela*, 323 SCRA 589 (2000).

[50] Ibid.

[51] *Mercado v. Court of Appeals*, 240 SCRA 616 (1995).

[52] *People v. Zuela*, *supra*.

[53] *People v. Lising*, 285 SCRA 595 (1998).

[54] *People v. Zuela*, *supra*.

[55] Exhibit “F.”

[56] Exhibit “D.”

[57] *People v. Corre, Jr.*, 363 SCRA 165 (2001).

[58] Exhibit “A.”

[59] TSN, 5 October 1992, p. 6.

[60] *People v. Orio*, 330 SCRA 576 (2000).

[61] *People v. Delim*, *supra*.

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.