

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERIC MENDOZA AND ANGELITO BALAGTAS, ACCUSED, ERIC MENDOZA, ACCUSED-APPELLANT.**

*G.R. No. 123186. July 09, 1998*

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-123186/>

---

**PUNO, J.:**

On May 18, 1995, the Regional Trial Court of Bulacan, 3rd Judicial Region, Branch 14, Malolos, found[1] the two accused Eric Mendoza and Angelito Balagtas guilty beyond reasonable doubt of the special complex crime of robbery with rape in Criminal Case No. 1941-M-91. They were meted out a prison term of Reclusion Perpetua and ordered to indemnify the victim, Andrelita Sto. Domingo, the amount of P12,000 as actual damages and P100,000.00 as moral damages, plus costs. From this decision,[2] only Eric Mendoza appealed.[3] Mendoza was indicted under the following Information:[4]

"The undersigned Assistant Provincial Prosecutor accuses Eric Mendoza and Angelito Balagtas of the crime of robbery with rape, penalized under the provisions of Art. 294, paragraph 2 of the Revised Penal Code, committed as follows:

"That on or about the 23rd day of August, 1991, in the municipality of Sta. Maria, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with a knife, conspiring, confederating together and mutually helping each other, did then and there wilfully, unlawfully and feloniously, with intent of [sic] gain and by means of violence, threats and intimidation enter the house of one Andrelita Sto. Domingo and once inside, take, rob and carry away with them the following, to wit:

- "1. cash amounting to - - - -P 2,000.00
2. one (1) necklace - - - - - 2,000.00
3. one (1) set of earring - - - 2,000.00
4. one (1) ring - - - - - 1,500.00
5. one (1) wrist watch - - - - - 5,000.00

with the total value of P12,500.00, belonging to the said Andrelita Sto. Domingo, to the damage and prejudice of the latter in the total amount of P12,500.00 and that simultaneously or during the commission of robbery, the above named accused Angelito Balagtas by means of violence, threats and intimidation have carnal knowledge of the said Andrelita Sto. Domingo against her will and by means of force.

"That in the commission of this crime the aggravating circumstances were present, to wit: (1) nocturnity, (2) superior strength and (3) with a [sic] use of a knife.

"Contrary to law."

At the trial, the prosecution presented private complainant Andrelita Sto. Domingo as its principal witness. She testified as follows:

In the evening of August 22, 1991, private complainant's husband went to San Jose del Monte, Bulacan to haul chicken. She retired to their bedroom. She was joined by her three (3) children, while their maid went down to the basement to sleep.[5] The bedroom is on the elevated portion of their bungalow-type house in Tumana, Sta. Maria, Bulacan, while another room is located in the basement.[6] The toilet and bath in the bedroom had a grill-less window with glass jalousies that open to the roof of the terrace.[7] The lights in the bedroom and the bathroom were on[8] at the time that she and her children fell asleep that evening.

Private complainant woke up when she felt her thighs being rubbed. Thereupon, she saw two (2) men in black jackets with their faces covered with handkerchiefs.[9] She described one of them as medium built and the other as a small man. The medium-built man poked a 6-inch knife at her neck and ordered her to open the vault inside the room.[10] The two men took the cash in the vault amounting to P2,000.00 and jewelry worth P12,000.00.[11]

Upon orders of the medium-built man, the small man untied the curtain band and handed the same to him. While undoing the curtain, the handkerchief loosened, revealing the small man's face to be that of Eric Mendoza.[12] Private complainant recognized him because he used to work in her uncle's steel factory in Tumana, Sta. Maria, Bulacan.[13] After the medium-built man had tied her hands with the curtain band and gagged her with a torn t-shirt, the small man helped him carry private complainant to the bathroom. It was then that she noticed the missing jalousie blades on the window.[14]

The medium-built man sent the small man out of the bathroom, through the window, to stand guard on the terrace roof.[15] Alone with private complainant inside the bathroom, the medium-built man removed the handkerchief covering his face, raised her t-shirt and began sucking her breast. While keeping the knife pointed at her neck, he forcibly removed her jogging pants and underwear, laid her on the bathroom floor, and sexually abused her for about two minutes.[16] In the meantime, private complainant could see the small man peeping through the window and watching her being raped.[17]

After satisfying his lust, the medium-built man threatened to kill her and her family if she would tell anyone about what had happened. He went out through the bathroom window and joined the small man on the terrace roof.[18]

In the early morning of August 23, 1991, private complainant's husband arrived and learned of the incident from her. At about 10:00 o'clock that morning, they reported the crime to Mr. Rico Jude Sto. Domingo, the Barangay Chairman of Tumana, Sta. Maria, Bulacan.[19] On August 25, 1991, they also informed the Sta. Maria Police of the incident, but they deliberately left out the details regarding the rape to avoid public embarrassment.[20]

They reconsidered later their decision to keep the rape a secret. On August 27, 1991, they went to the office of the National Bureau of Investigation (NBI) where private complainant was examined by Dr. Floresto Arizala, Jr., a medico-legal officer.[21] On August 31, 1991, they returned to the Sta. Maria Police Station and reported the rape.[22]

Other prosecution witnesses included Dr. Arisala, Jr., the NBI medico-legal officer; Mr. Rico Jude Sto. Domingo, the Barangay Chairman; and Mr. Rolando de Jesus, an uncle and neighbor of private complainant.

On the witness stand, Dr. Arisala, Jr. confirmed his signature on Living Case Report No. MG-91-863. He stated that there was no injury on private complainant's genital area. He made no conclusion, however, as to whether or not she was raped, since in cases like hers where the hymen has been thinned by several completed pregnancies, sexual intercourse no longer causes any injury or laceration to the hymen.[23]

Mr. Rico Jude Sto. Domingo has known Mendoza for six (6) years. He testified that on August 23, 1991, private complainant and her husband went to his house to report the robbery and rape incident. He made the corresponding entry in the Barangay Blotter.[24] On August 25, 1991, Mendoza's father presented his son to Mr. Sto. Domingo, who, thereupon, brought them to private complainant's house. There, a confrontation ensued. Mendoza eventually admitted to having pointed the private complainant's house to Balagtas as a possible object of robbery.[25] He said that Balagtas was his uncle and identified him as the rapist.[26] After the confession, Mr. Sto. Domingo turned Mendoza over to the Sta. Maria police before whom he revealed that Balagtas was from San Miguel, Bulacan. The Sta. Maria police coordinated with the San Miguel police to arrest Balagtas.

Mr. Rolando de Jesus testified that the house of private complainant, who happens to be his niece, is only one hundred (100) meters away from their house. Their houses are on the side of a private road. While negotiating this road on his car in the evening of August 20, 1991, at about 8:00 o'clock, Mr. de Jesus noticed two persons lingering at the back of private complainant's house. He recognized one of them to be Mendoza who was seemingly showing to his companion the location of the windows on the second floor of the house. Mendoza was specifically pointing at the window without iron grills above the terrace roof.[27]

There were no other witnesses for the defense except the accused themselves both of whom put up similar claims of alibi.

Mendoza testified that he was in their house in Tumana, Sta. Maria, Bulacan with his grandparents and cousins, Totoy, Rodel, Buboy and Ana in the early morning of August 23, 1991. He denied any confrontation with private complainant at her house where he allegedly confessed his complicity in the robbery incident. He claimed to have been brought by Mr. Sto. Domingo, the Barangay Chairman, to the municipal building in August, 1991 where he was detained in a cell, investigated and forced to admit his guilt after having been mauled for about fifteen (15) minutes.

Balagtas testified that in the early morning of August 23, 1991, he was in their house in Pinambaran, San Miguel, Bulacan.[28] Less than a year after, he was brought to the municipal building of Sta. Maria where he was, like Mendoza, mauled and forced to make a confession.[29] He also denied that Mendoza was his nephew.[30]

The trial court paid no heed to the defenses of Mendoza and Balagtas. It gave full credence to the evidence of the prosecution which it found to have established their guilt beyond reasonable doubt. The trial court ruled, viz:

"In view of the foregoing evidence, the Court is morally convinced that the prosecution has established beyond reasonable doubt the guilt of the accused. Although Eric Mendoza did not participate in sexually abusing the victim, he and Angelito conspired and helped one another commit the crime of Robbery with Rape.

The crime having been committed before the enactment of R.A. 7659 restoring death penalty, the court can only impose the penalty of Reclusion Perpetua.

WHEREFORE, the Court finds the accused Eric Mendoza and Angelito Balagtas guilty beyond reasonable doubt of the crime of Robbery with Rape. The Court imposes upon the accused the penalty of Reclusion Perpetua.

To pay the offended party P12,000.00 actual damage and P100,000.00 moral damage with costs.

SO ORDERED."

The records show that only Mendoza filed a notice of appeal. As to Balagtas, therefore, the trial court judgment has become final and executory.

Mendoza assigns the following errors:

"I

"THE COURT A QUO ERRED IN FINDING THAT CONSPIRACY EXISTED IN THE COMMISSION OF THE CRIME OF ROBBERY WITH RAPE.

"II

"THE COURT A QUO ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT ERIC MENDOZA HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

III

"THE COURT A QUO GRAVELY ERRED IN NOT APPRECIATING THE PRIVILEGED MITIGATING CIRCUMSTANCE OF MINORITY IN FAVOR OF THE ACCUSED-APPELLANT ERIC MENDOZA." [31]

This Court affirms the conviction of Mendoza for the crime of robbery with rape.

First. We are in accord with the trial court's evidentiary findings, largely based on private complainant's testimony, that Mendoza participated as a principal in robbing her of the cash and jewelries in their house vault. She was a veracious witness whose testimony was forthright, consistent and credible. In a long line of cases, we have held that if the testimony of the rape victim is accurate and credible, a conviction for rape may issue upon the sole basis of the victim's testimony because no decent and sensible woman will publicly admit being a rape victim and thus run the risk of public contempt unless she is, in fact, a rape victim.[32] In the instant case, private complainant's credibility can not be doubted, not only because her testimony is corroborated by other prosecution witnesses, but also because she had absolutely no motive to falsely implicate the accused.[33] A married woman with a husband and three daughters would not publicly admit that she had been criminally abused unless that was the truth.

Significantly, too, the private complainant made her statements to the Barangay Chairman and the Sta. Maria Police immediately after the commission of the crime when she hardly had time or opportunity to fabricate a falsehood.

Nonetheless, Mendoza assails the testimonies of Rico Jude Sto. Domingo and Rolando de Jesus as biased because they are relatives of private complainant. But mere relationship to the victim is not a ground to exclude a witness or reject his testimony, absent a showing of evil motive on his part to testify falsely against the accused.[34] The defense, in this case, made no such showing, hence, the testimonies of Sto. Domingo and de Jesus are worthy of full faith and credit.[35] In fact, as relatives of the victim, they are naturally interested in implicating only the real culprits, for otherwise, the latter would thereby gain immunity.[36] While revenge is a normal reaction in a person who has lost loved ones because of a crime, it does not follow that the revenge would be directed aimlessly so as to include innocent persons.[37]

Second. We do not believe Mendoza's alibi. He insists that he was at home in the early morning of August 23, 1991 with his grandparents and four (4) cousins. The defense, however, failed to put them on the witness stand. Neither did they execute any statement under oath to substantiate Mendoza's alibi. At any rate, we have consistently ruled that where an accused's alibi can only be confirmed by his relatives, his denial of culpability deserves scant consideration, especially in the face of affirmative testimonies of credible prosecution witnesses as to his presence in the crime scene.[38] For his alibi to be considered favorably, Mendoza must prove not only that he was somewhere else when the crime took place but also that it was physically impossible for him to have been at the scene of the crime when it was committed.[39] By his own admission, Mendoza lives in Tumana, Sta. Maria, Bulacan, or in the same area as the victim's residence. It was easy for Mendoza to negotiate the distance between his house and the victim's house. Mendoza's alibi cannot exculpate him.

Third. Mendoza claims that he was mauled into confessing culpability for the robbery. In the first place, there is no proof at all of the mauling incident to support his charge. More importantly, independent of that confession, there is evidence beyond reasonable doubt of his participation as co-conspirator in committing the robbery. To repeat, the victim positively and unequivocally identified him and her testimony has been corroborated by the other prosecution witnesses.

Fourth. Mendoza underscores that the stolen items were not recovered from him by the police. It has never been the rule in this jurisdiction, however, that such a fact can diminish the guilt of a robber whose complicity in the crime has been established by proof beyond reasonable doubt. The presumption that a person in whose custody are found stolen items, is prima facie the robber or the thief,[40] does not translate into a converse presumption that a person indicted for robbery or theft should be acquitted when the authorities do not recover the stolen items from him. The production in court of the stolen property is not an indispensable requisite to sustain conviction as long as there is clear proof of the commission of the crime charged.[41]

Fifth. Mendoza claims that he has been charged and convicted of a crime he did not commit, considering that he did not rape Andrelita Sto. Domingo. If at all he were guilty of a crime, it was only of robbery, not robbery with rape.

We disagree.

Robbery with rape is a special complex crime punished under the second paragraph of Article 294 of the Revised Penal Code which reads:

"Art. 294. Robbery with violence against or intimidation of persons--Penalties.--Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

"x x x x x x x x

"2. The penalty of reclusion temporal in its medium period to reclusion perpetua, when the robbery shall have been accompanied by rape or intentional mutilation, or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 or article 263 shall have been inflicted: Provided, however, That when the robbery accompanied with rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

"x x x x x x x x" (underscoring ours)

When two or more persons are charged as co-conspirators in the crime of robbery with rape, the conspiracy to rob is all that is needed to be proven to punish them all as principals in the crime of robbery with rape. The rape may have been perpetrated by only one of them, but they will all be convicted of robbery with rape, because the rule in this jurisdiction is that whenever a rape is committed as a consequence, or on the occasion of a robbery, all those who took part therein are liable as principals of the crime of robbery with rape, although not all of them actually took part in the rape.[42] It is enough that robbery shall have been accompanied by rape to be punishable under the The Revised Penal Code which does not differentiate whether the rape was committed before, during or after the robbery.[43] Thus, we have held in one case that where one of the accused acted as guard while rape was being committed on the occasion of the robbery, he is guilty as co-principal of the crime of robbery with rape.[44] As we explained in the 1918 case of *United States v. Tiongco*:

" x x x [T]he robbers seizing the money and the other effects they found in said house, two of them sullied the honor of the two women living therein, and the companions of the two men who committed the rape made no opposition nor prevented these latter from consummating this other crime, apparently unconnected with and unrelated to that of robbery, but which, as well as sanguinary crimes, is often committed on such occasions,

and it is for this reason that the penal law, in odium of such offenses against property and chastity, has considered them complex and punished them by one single penalty.

"x x x The defendants Rufu Tiongco and Pedro Huerva, who took no part in the rape of the women Juaneza and Eusula, cannot be excepted from this penalty for the reason that the penal law does not require the condition that the rape be committed prior to, or simultaneously with the robbery, it being sufficient that this crime be perpetrated on the occasion of the robbery. So the law says, in the definition of the crime, that when the robbery is accompanied by rape or mutilation caused purposely, all the robbers who took part in the perpetration of the complex crime are liable for all the offenses falling within the limitation of certain circumstances specified by the law, committed by the members of the band.

"x x x x x x x x x

"Therefore, the defendants Tiongco and Huerva, for the very reason that they are liable for the said crime of robbery in a band, are likewise liable for all the other acts performed on the occasion of the robbery, although they may not actually and materially have taken any part in the rape committed upon those two women by the other two defendants, their companions Ledesma and Castano.

"If any of the defendants had wounded or killed an inmate of the house that they robbed, all the defendants would, under the law, have been punished for the complex crime of robbery with the infliction of wounds of the commission of homicide; and, in the present case, because two of the robbers raped two women, all the malefactors are liable for the complex crime in question."[45]

In other words, for Mendoza to be convicted only of the crime of robbery, he must prove not only that he himself did not abuse the victim but that he tried to prevent the rape. We have previously ruled that once conspiracy is established between the two accused in the commission of the crime of robbery, they would be both equally culpable for the rape committed by one of them on the occasion of the robbery, unless any of them proves that he endeavored to prevent the other from committing rape.[46]

Mendoza cannot seek sanctuary in our jurisprudence that where there is no evidence that the accused was aware of his co-accused's lustful intent and his consummation thereof so that he could have attempted to prevent the same, the former should be held only for the robbery and not for the rape.[47] In the case at bar, the evidence shows that during the commission of the rape, Mendoza climbed up and out of the bathroom through the window and stayed at the roof of the terrace. The window, located above the roof of the terrace, was about 3-1/2 meters away from where the victim and Balagtas were. Mendoza knew of the rape because the private complainant saw him peep through the window and watch what was being done to her by Balagtas. Nonetheless, Mendoza did nothing to prevent the rape.

Lastly, Mendoza submits that the trial court erred in not appreciating the privileged mitigating circumstance of minority in his favor, considering that he was allegedly born on June 30, 1975 and was thus only 16 years, 1 month, and 23 days old on August 23, 1991, the day the crime was committed.

The burden of proof that Mendoza was a minor at the time of the commission of the offense is on him.[48] He presented, however, conflicting evidence of his date of birth. On the one hand, when Mendoza filed in the trial court a Motion for Release of the Accused Under Recognizance[49] on August 21, 1992, he attached a photocopy[50] of his birth certificate indicating his birthday to be June 30, 1981. On the other hand, when he testified in open court on September 8, 1992, he declared that he was born on June 30, 1975.[51] And then just two days after that declaration, he filed in the trial court a Manifestation[52] with an original copy of his birth certificate, complete with documentary stamps and the seal of the Local Civil Registrar of Sta. Maria, Bulacan, indicating his date of birth to be June 30, 1974.[53]

After going through the said evidence, we find that Mendoza was born on June 30, 1974 and was thus 17 years old at the time of the commission of the crime. The special mitigating circumstance of minority under Paragraph 2, Article 68 of the Revised Penal Code should, therefore, be appreciated in Mendoza's favor. Said provision reads:

"ART. 68. Penalty to be imposed upon a person under eighteen years of age. x x x

"1. x x x x x x x x

2. Upon a person over fifteen and under eighteen years of age the penalty next lower than that prescribed by law shall be imposed but always in the proper period."

The penalty prescribed by law for the crime of robbery with rape is reclusion perpetua to death. Applying Article 61 (2) of the Revised Penal Code, the penalty next lower in degree is reclusion temporal. We agree with the trial court that the aggravating circumstances of nocturnity and abuse of superior strength attended the commission of the crime. Even the defense did not make any issue of this. When one or more aggravating circumstances are present in the commission of the crime, with no ordinary mitigating circumstances to offset them, the penalty shall be imposed in its maximum period.[54] The imposable penalty prescribed by law, therefore, is reclusion temporal in its maximum period. We further apply the Indeterminate Sentence Law authorizing the minimum term of the indeterminate sentence to be within the range of the penalty next lower to that prescribed for the offense.[55] In view of all these, this Court imposes upon Mendoza the indeterminate sentence of 10 years and 1 day of prision mayor in its maximum period to 18 years, 2 months and 21 days of reclusion temporal in its maximum period.

WHEREFORE, premises considered, the decision of the Regional Trial Court of Bulacan, Third Judicial Region, Branch 14, Malolos, dated May 18, 1995, finding ERIC MENDOZA guilty beyond reasonable doubt of the crime of Robbery with Rape and liable for P12,000.00 as actual damages and P100,000.00 as moral damages, with costs, is HEREBY AFFIRMED with the modification that this Court imposes upon ERIC MENDOZA an indeterminate sentence of 10 years and 1 day of prision mayor in its maximum period to 18 years, 2 months and 21 days of reclusion temporal in its maximum period. No pronouncement as to costs.

SO ORDERED.

Regalado, (Chairman), Melo, Mendoza, and Martinez, JJ., concur.

---

[1] Decision of the Regional Trial Court of Bulacan, 3rd Judicial Region, Branch 14, Malolos, dated May 18, 1995, Rollo, pp. 20-29.

[2] Penned by Judge Felipe N. Villajuan, Jr.

[3] Notice of Appeal dated June 13, 1995, Rollo, p. 30.

[4] Dated September 20, 1991, Rollo, pp. 7-8.

[5] TSN dated January 7, 1994, pp. 6-9; TSN dated April 7, 1992, pp. 14-16.

[6] TSN dated April 7, 1992, p. 14.

[7] TSN dated January 7, 1994, pp. 18-19; TSN dated April 7, 1992, pp. 22-23.

[8] TSN dated January 7, 1994, p. 10.

[9] Id., pp. 10-11.

- [10] TSN dated January 7, 1994, p. 12; TSN dated April 7, 1992, pp. 17-18.
- [11] TSN dated April 7, 1992, pp. 18-19.
- [12] TSN dated January 7, 1994, p. 15; TSN dated April 7, 1992, pp. 19-20.
- [13] TSN dated January 7, 1994, p. 5.
- [14] See note no. 7.
- [15] TSN dated January 7, 1994, pp. 21-22; TSN dated April 7, 1992, p. 24.
- [16] TSN dated January 7, 1994, pp. 25-28; TSN dated April 7, 1992, pp. 26-29.
- [17] TSN dated April 7, 1992, p. 29.
- [18] TSN dated January 7, 1994, p. 29; TSN dated April 7, 1992, p. 30.
- [19] TSN dated January 7, 1994, p. 33.
- [20] TSN dated January 7, 1994, p. 34; TSN dated April 7, 1992, p. 35.
- [21] TSN dated January 7, 1994, pp. 36-39; TSN dated April 7, 1992, pp. 36-39.
- [22] TSN dated January 7, 1994, p. 39; TSN dated April 7, 1992, p. 39.
- [23] TSN dated March 11, 1993, pp. 15-16.
- [24] TSN dated September 8, 1992, p. 9. (The entry in the Barangay Blotter reads: "Ngayong ika-10:00 ng umaga, Agosto 23, 1991 ay dumating sa aking tanggapan si Andrelita Sto. Domingo kasama ang kanyang asawa at inireport na ang kanilang tahanan ay pinasok ng dalawang lalaki, ang isa ay si Eric Mendoza na siyang dito ay nilooban ng mga alahas na nagkakahalaga ng P10,500.00 at halagang P2,000.00 at pagkatapos ay ginahasa pa si Andrelita Sto. Domingo ng taong kasama ni Eric Mendoza." )
- [25] Id., p. 20.
- [26] Id., pp. 12-15.
- [27] TSN dated March 5, 1992, pp. 7-13.
- [28] TSN dated September 19, 1994, pp. 5-6.
- [29] Ibid.
- [30] TSN dated September 19, 1994, p. 7.
- [31] Brief for Accused-Appellant Eric Mendoza, pp. 1-2, Rollo, pp. 52-53.
- [32] *People v. Ching*, 240 SCRA 267, 279-280 [1995]; *People v. Ulili*, 225 SCRA 594, 605 [1993].
- [33] *People vs. Valdez*, 150 SCRA 405, 410 [1987].
- [34] Id., p. 376.
- [35] *People v. Pascua*, 206 SCRA 628, 635[1992].
- [36] *People v. Narajos*, 149 SCRA 101, 107 [1987]; *People v. Radomes*, 141 SCRA 548, 559 [1986].
- [37] *People v. Lardizabal*, 204 SCRA 320, 330 [1991], citing *People v. Sarabia*, 127 SCRA 101, 111 [1984].

[38] *People v. Corpuz*, 240 SCRA 203, 210 [1995].

[39] *Ibid.*

[40] Section 3(j), Rule 131, Revised Rules of court; *United States v. Soriano*, 9 Phil. 98, 99 [1907].

[41] Aquino, Ramon C., *The Revised Penal Code*, 1988 Edition, Volume III, P. 186, citing *People v. Aragon, Jr.* (Court of Appeals), 53 O.G. 5282 [1957].

[42] *People v. Lascuna*, 225 SCRA 386, 400-401 [1993].

[43] *People v. Caisip, et al.*, 105 Phil. 1180, 1186-1187 [1959].

[44] *People v. Carlon*, 89 Phil. 105, 108 [1951].

[45] *United States v. Tiongco*, 37 Phil. 951, 953-955 [1918].

[46] *People v. Baello*, 224 SCRA 218, 233-234 [1993]; *People v. Salvatierra*, 257 SCRA 489, 506-507 [1996]; *People v. Macam*, 238 SCRA 306, 315; 317 [1994], citing *People v. Veloso*, 112 SCRA 173 [1982]; *People v. Bautista*, 49 Phil. 389 [1926]; *U.S. v. Macalalad*, 9 Phil. 1 [1907].

[47] *People v. Canturia*, 245 SCRA 275, 278; 285 [1995].

[48] *People v. Lugto*, 190 SCRA 754, 757 [1990].

[49] *Original Records*, Vol. I, p. 57.

[50] *Id.*, p. 58.

[51] TSN dated September 8, 1992, p. 30, *Original Records*, Vol. I, p. 159.

[52] Dated September 10, 1992, *Original Records*, Vol. I, p. 72.

[53] *Id.*, p. 73.

[54] Art. 64 (3), Revised Penal Code.

[55] Sec. 1, Act No. 4103, as amended by Act No. 4225.

**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.