

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARNOLD REALIN, NELSON REALIN, AND EDWIN REALIN, ACCUSED. ARNOLD REALIN, ACCUSED-APPELLANT.

G.R. No. 126051. January 21, 1999

Ponente: DAVIDE JR., C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-126051/>

DAVIDE JR., C.J.:

Accused-appellant Arnold Realin (hereafter ARNOLD) appeals from the decision[1] of the Regional Trial Court of Ta'gudin, Ilocos Sur, Branch 25, in Criminal Case No. 348-T, finding him guilty of murder. The dispositive portion of the decision reads as follows:

Thus we find Arnold Realin guilty of the crime of Murder and hereby sentences [sic] him to suffer the penalty of reclusion perpetua and to pay to the heirs of the victim, particularly Jesus [Leiza], the following:

1.

Fifty Thousand Pesos (P50,000.00) Pesos for the death of James [Leiza];

2. Twenty Thousand (P20,000.00) Pesos for his [interment];

3. Fifty Thousand (P50,000.00) Pesos for his death in the hands of Arnold Realin and payable by him [sic].

The information filed on 31 October 1989 charged ARNOLD and his brothers, Nelson and Edwin Realin, with murder, which was allegedly committed as follows:

That on or about the 11th day of June, 1988, in the municipality of Cervantes, province of Ilocos Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, with treachery and evident premeditation and with intent to kill, did then and there wilfully, unlawfully and feloniously assault, attack and strike with an ax-like instrument one James [Leiza], thereby inflicting upon the latter mortal wounds on his body, which wounds necessarily produced the death of said James [Leiza].[2]

ARNOLD and Nelson Realin pleaded not guilty upon arraignment.[3] Edwin Realin remains at large.

The witness presented by the prosecution were Angeles dela Cruz, Perlita Candelario; Mauro Sison, Jr.; Barangay Captain Ricardo Alvister; Police Investigator Prudencio Garcia; and Dr. Gaudencio Bustillo.

The witnesses presented by the defense were Tony Rapisura, Mateo Abaya, Donald Abaya, Cecilia Realin, and ARNOLD.

Angeles de la Cruz testified that in the late afternoon of 11 June 1988 a drinking session was going on in the house of James Leiza (hereafter JAMES) and lasted till evening. ARNOLD and Alfonso Padilla were among the guests. At about 10:30 p.m., she heard an argument between ARNOLD and Alfonso. She left her house to pacify the men in JAMES's house. ARNOLD was outside the house with Nelson Realin and some friends during

Alfonso to come out of the house. She saw JAMES angry and berating one of the men for quarrelling in his house. The man, in turn, threatened JAMES, who was provoked into attacking him. However, she and two other persons pacified him. JAMES told the men, "You would have your day." Minutes later, Edwin Realin and his mother arrived. The other guests had gone home by then.[4]

Later that evening, while she was at home watching a mahjong session, Angeles heard a dog bark from JAMES's house, which was nine meters away from her house. She looked to the house and saw persons opening the front door. She then left her home and proceeded towards JAMES's house until she reached a canal located about five meters from the house. At that instant, she saw ARNOLD club JAMES with an ax-like instrument. She likewise heard someone mutter, "That is your end." ARNOLD had three companions, two of whom stood outside the door. She immediately returned to her house and informed the mahjong players there that something had just happened in JAMES's house. They ignored her; and Mateo Abaya, one of the mahjong players, replied that they would hold a peace talk the following day.[5]

Angeles could not sleep that night. When the mahjong session ended at 4:30 a.m. the next day, she immediately visited her friend Perlita Candelario, sister of JAMES, and inquired whether the latter had seen the incident since Angeles saw her near the canal that night. Perlita just cried. Angeles advised her to fetch her father, which she did. Thereafter, neighbors and relatives arrived and called the police. Perlita was questioned by the police. She followed the police as they entered the house of JAMES where they saw the lifeless and bloodied body of JAMES. The ax was recovered from the canal.[6]

Angeles admitted that she was an aunt of JAMES and a distant relative of the brothers ARNOLD and Nelson Realin. She was certain of what she saw because from where she stood there was no obstruction to her view and the place was illuminated by two kerosene lamps.[7]

Perlita Candelario, whose house was eighteen meters from JAMES's, testified that in the late evening of 11 June 1988 she was in her house. ARNOLD, JAMES, Nelson Realin, Alfonso Padilla, and some others were drinking in JAMES's house. Trouble erupted, and most of the drinkers went out of the house. Nelson and Alfonso had an altercation. JAMES thus ordered them out of his house. This angered Nelson, who then threatened JAMES before stepping out. JAMES retaliated by throwing the bottles outside his house and towards the canal. Nelson, in turn, threw stones at JAMES. The neighbors, including the barangay captain, immediately arrived and pacified JAMES. While they remained inside, the brothers ARNOLD, Nelson, and Edwin repeatedly dared JAMES to come out. Minutes later, ARNOLD's group left.[8]

After the commotion Perlita went out of her house and proceeded to the canal, located about thirteen meters away from JAMES's house. Her aunt, Angeles de la Cruz was also by the canal. She then saw ARNOLD enter the house of JAMES. ARNOLD's three companions remained outside the house. ARNOLD proceeded to the toolbox and got an ax-like instrument, which he swung towards JAMES. She, however, did not see whether the weapon hit JAMES. ARNOLD and his companions then left the house.[9]

Perlita claimed that she could not react because she was scared. She knew that ARNOLD usually carried a gun. The following morning, she and Angeles went to JAMES's house and saw his bloodied body inside. JAMES was already dead. She immediately searched for her father and called the police.[10]

Mauro Sison, Jr., a nephew of JAMES and whose house was twenty meters away across JAMES's house, declared that in that fateful night he was in JAMES's house where a drinking spree was going on. Among those present were ARNOLD, Nelson Realin, and Alfonso Padilla. Thereafter, Nelson dared Alfonso to come out of the house. When Alfonso did, a fistfight between the two ensued. This angered JAMES, then inside his house, and he threw a bottle at them. ARNOLD and Nelson then dared JAMES to come out. However, Mauro, as well as his

uncle and aunt, prevented JAMES from going out. Edwin Realin also dared JAMES to come out, and he uttered: “You [would] have your day.” The guests left, and JAMES eventually fell asleep. Mauro and his uncle left JAMES alone, waited at the road, and after a few minutes, proceeded home.[11]

However, just as Mauro got back to his house, he heard the dog barking, and he saw people entering the house of JAMES. He recognized ARNOLD with three other companions. ARNOLD and another entered the house, while two others stood by the door. The group stayed for a few minutes, then left and proceeded westward, in the direction of ARNOLD’s house. When Mauro awoke early next morning, he was told to fetch the police. He learned that JAMES was found dead in his home.[12]

Barangay Captain Ricardo Alvister declared that he was at home on the night JAMES was killed. Prior to JAMES’s death, a fight between ARNOLD and JAMES occurred. He went to JAMES’s house to pacify the two, and he advised ARNOLD to go home. The following morning, he learned of JAMES’s death.[13]

Prudencio Garcia, the police investigator who responded to the reported death of JAMES, declared that Mauro Sison came to report the incident in the early morning of 12 June 1988. He obtained statements from Mauro, Perlita Candelario, and Erwin Leiza (father of JAMES). He took some pictures[14] of the scene of the crime. He learned that the probable suspects were ARNOLD and his brothers, Nelson and Edwin. The weapon used, an ax,[15] was recovered by JAMES’s father from the canal nearby the following day. It was presented to Garcia already wiped of bloodstains. Garcia then made a report on the matter.[16]

Dr. Gaudencio Bustillo was presented to interpret the report on the autopsy[17] conducted on JAMES’s cadaver by Dr. Jerome V. Raceli. The latter was no longer available to testify thereon for having ceased to be employed by the hospital where the autopsy was conducted. Dr. Bustillo identified both the autopsy report and the signature of Dr. Raceli.[18]

In March 1993, the prosecution formally offered its evidence. Nearly a year after, but prior to the defense’s presentation of evidence, a demurrer to evidence on behalf of accused Nelson and Edwin Realin was filed with leave of court.[19] They argued that the prosecution failed to prove their participation and guilt beyond reasonable doubt, as the witnesses did not positively identify them as ARNOLD’s companions at the time the latter allegedly hacked JAMES. They were thus entitled to an acquittal.

In its order of 17 March 1994,[20] the trial court dismissed the case against Nelson and Edwin Realin for lack of evidence.

ARNOLD offered alibi. According to him on 11 June 1988 he was on duty in the hospital from 7:00 a.m. to 12:00 noon. At around 5:00 p.m. he was in the hospital to see some friends. After the visit, he chanced upon JAMES, who invited him for a drink along the street. ARNOLD obliged. Afterwards they invited their friends from the hospital. The group bought bottles of gin and proceeded to JAMES’s house. They were later joined by several friends. Among the drinkers were his brother Nelson and Alfonso Padilla. A singing session took place. When it was JAMES’s turn to sing, Alfonso sang in his behalf. While Alfonso was singing, JAMES got angry and ordered the group to go home. Nelson remarked to JAMES, “How could you be like that?” Thus, they all left leaving behind JAMES with his father and Mauro Sison. When he got home at around 8:30 p.m. he heard JAMES screaming. Thereafter, his friends arrived and invited him for a visit to the hospital. He joined the group. From the hospital he went home to eat, and slept at about 9:00 p.m. He was informed of JAMES’s death when he woke up the following morning.[21]

ARNOLD further testified that policemen came to his place and invited him to execute a statement[22] in connection with the death of JAMES. A year later, he was arrested for the death of JAMES. He did not resist.

Prior to that he remained in his hometown and continued with his work in the hospital. He saw no reason to leave town because he had no participation at all in the death of JAMES.[23]

ARNOLD admitted that JAMES was a relative; as were Angeles de la Cruz, Mauro Sison, and Perlita Candelario. He denied any altercation between him and JAMES, and emphasized that it was his brother Nelson who had a misunderstanding with Alfonso Padilla.[24]

ARNOLD's wife, Cecila Realin, testified that she was at home that night of 11 June 1988. ARNOLD arrived home with some friends at about 8:00 p.m. He ate supper and slept afterwards. She awoke early the following morning while ARNOLD remained asleep. It was then that she learned from her neighbor that JAMES had died. She was certain that ARNOLD could not have been involved because in the several times she awoke that night to nurse their baby, ARNOLD was sound asleep.[25]

ARNOLD's witnesses, Tony Rapisura and Mateo Abaya, tried to discredit Angeles de la Cruz. Tony Rapisura testified that at around 5:00 p.m. of 11 June 1988 he was in the house of Angeles de la Cruz playing mahjong. The mahjong session continued until 5:00 a.m. the following day. He could not recall that Angeles left her house at any time. Neither did she mention to any of the players that an incident occurred in JAMES's house. He only learned of the death of JAMES from his wife when he got home after the mahjong session.[26]

Mateo Abaya testified that he was also playing mahjong at the house of Angeles de la Cruz on the night JAMES died. He rebutted Angeles's testimony that she remarked about an incident in JAMES's house and that he replied that a peace talk would take place the following day. He only remembered her think out loud why the dogs were barking that night, to which he replied that it was only natural. He left Angeles's house at around 5:00 a.m. the following morning. When he got home his wife informed him of JAMES's death.[27]

Arnold's last witness, Donald Abaya, declared that he knew ARNOLD and JAMES, who were both his neighbors. On the night of JAMES's death he was at home with Edwin Realin. At around 8:00 p.m., ARNOLD came with Nelson Realin and some friends. They arrived after he heard persons shouting from the direction of JAMES's house. The group invited him and Edwin to the hospital to visit a friend, Mulong. They thus proceeded to the hospital. On their way, they passed by the house of JAMES where they saw Erwin Leiza and Mauro Sison. They went straight to the hospital and stayed there. On their way back home they met the barangay captain who told them, "That was enough," and advised them to go home. He learned of the death of JAMES when he woke up the following day.[28]

In its decision of 26 March 1996,[29] the trial court convicted ARNOLD of murder, with evident premeditation as the qualifying circumstance. It gave credence to the testimonies of the eyewitnesses of the prosecution. It found that ARNOLD, after his quarrel with JAMES, left the latter's home but later returned and, carrying with him an ax, killed JAMES who was then asleep.

After filing his notice of appeal, ARNOLD moved for the reconsideration of the decision, contending that the burden of proof beyond reasonable doubt was not satisfied and that evident premeditation was not proved. He claimed that, in any event, he was entitled to the mitigating circumstance of voluntary surrender.

In its order 10 June 1996,[30] the trial court explained that evident premeditations was present; thus:

There was evident premeditation because the killer had a chance to think of what he intended to do when he failed to kill [JAMES] earlier and he went with his companions to the hospital. It was on his way back home from the hospital that he went to the house of James with the help of his relatives and friends, three (3) of them, that he decided to end James Laisa's life by hitting him with an ax-like instrument in the presence of three of his companions that caused the death of James Laisa.

It rejected the claim of the mitigating circumstance of voluntary surrender because of lack of evidence.

In his Appellant's Brief ARNOLD claims the trial court erred in

1.

FINDING ACCUSED ARNOLD REALIN GUILTY OF THE CRIME CHARGED THERE BEING NO SUFFICIENT AND CLEAR EVIDENCE TO WARRANT CONVICTION.

2.

GIVING MORE CREDENCE TO THE TESTIMONY OF PROSECUTION WITNESSES WHICH WERE OBVIOUSLY BIAS [sic] AND PREJUDICED AND INCREDIBLE INSTEAD OF THE TESTIMONIES OF THE ACCUSED AND HIS WITNESSES WHICH WERE MORE CREDIBLE, NATURAL AND STRAIGHTFORWARD.

3.

NOT CONSIDERING THE DEFENSE OF DENIAL INTERPOSED BY THE ACCUSED WHICH WERE [sic] SUFFICIENTLY CORROBORATED.

ARNOLD assails the credibility of the three eyewitnesses for the prosecution, who were all relatives of JAMES. Their testimonies were contradictory in material points, particularly in that when Angeles de la Cruz informed the mahjong players that something had happened to JAMES, she failed to inform them that Perlita Candelario was also by the canal. It was only in the following morning that Angeles inquired from Perlita whether she had witnessed the incident. However, when Perlita testified she claimed that she was standing by the canal with Angeles when she saw ARNOLD swing the ax towards JAMES. Thereafter, she informed Angeles that something had happened in the house of JAMES. Also, Mauro Sison testified that for that particular night he decided to sleep at the house of his mother, Perlita. Yet, Perlita claimed that Mauro was in the house of her other brother, Alexander Cruz, whose house was also across that of JAMES. ARNOLD claims that the eyewitnesses fabricated their story if only to indict him.

He imputes a bias against him by the said witnesses due to their blood relation with the victim. More, significantly, he questions the immediate conduct of Angeles and Perlita after witnessing the incident. They all remained silent and did not bother to seek help, considering that it was a blood relative who was in danger of death. Their failure to immediately report the matter to anyone is contrary to human experience and behavior. Angeles's testimony that she informed the mahjong players thereafter was belied by the players themselves. Moreover, when the police investigated the death of JAMES the day after, these witnesses did not bother to reveal what they had seen. It was only two months later did these witnesses implicate him without any explanation for the delay. His arrest followed only in November 1989. In between, he remained in his hometown and continued with his job at the hospital; he never fled the place.

The Office of the Solicitor General supports ARNOLD's conviction. It affirms the credibility of the witnesses for the prosecution. The fact that the eyewitnesses were relatives of the murdered victim does not necessarily impair their credibility. It debunks the argument that their testimonies were contradictory especially that both Angeles de la Cruz and Perlita Candelario positively identified ARNOLD as the assailant of the victim. It sees no reason to overturn the factual findings of the trial court, for the evidence clearly established the guilt of ARNOLD. Treachery was present because ARNOLD attacked JAMES while the latter was asleep and defenseless. Moreover, ARNOLD's defense of alibi must be rejected because it cannot prevail over the positive identification of ARNOLD as the person who swung the ax, which caused the death of JAMES.

We shall jointly discuss the first two assignments of error. ARNOLD disputes the sufficiency of evidence to

warrant his conviction, particularly the testimony of the eyewitnesses for the prosecution which was made the basis of his conviction. He claims that the said witnesses' blood relationship with the victim taints their credibility. We are not persuaded.

It is well-settled that the credibility of the witnesses is best left to the discretion of the trial court. This is so because the trial court is in an advantageous position in determining the actual conduct of the witness. Thus, as a general rule on appeal, its evaluation of the testimony of the witnesses is accorded great respect and finality in the absence of any indication that it overlooked certain facts or circumstances of weight and influence, which if reconsidered, would alter the result of the case.[31] There is no compelling reason for us to depart from this rule, as ARNOLD's arguments are not supported by the law and evidence on record.

First, blood relationship between a witness and the victim does not, by itself, impair the credibility of the witness.[32] On the contrary, relationship strengthens credibility, for it is unnatural for an aggrieved relative to falsely accuse someone other than the actual culprit. The earnest desire to seek justice for a dead kin is not served should the witness abandon his conscience and prudence and blame one who is innocent of the crime.[33] Nonetheless, it is not disputed that Angeles de la Cruz, one of the eyewitnesses who pointed to ARNOLD as the assailant, is a relative of both ARNOLD and the victim. In such a predicament we are more convinced that she could only be telling the truth for her to testify against her own relative. In the absence of any evidence that would suggest an improper motive against the said witness, we sustain the conclusion that none existed and that her testimony is worthy of credence.[34]

Second, the discrepancies pointed out in the testimony of the eyewitnesses are not relevant and material enough to overturn the positive identification of ARNOLD as the person who hacked JAMES to death. While the record shows that in her affidavit[35] Angeles de la Cruz denied having informed anyone of what she had just seen while she was by the canal, such omission cannot detract from the fact that she actually saw ARNOLD hack JAMES. It bears emphasis that two eyewitnesses pointed to ARNOLD as the assailant. We have ruled that minor discrepancies in the testimony of witnesses do not affect the credibility of the said witnesses. Such inconsistencies even enhance the credibility of the witnesses, for they remove any suspicion that their testimonies were contrived or rehearsed.[36] The test is whether their testimonies agree on the essential facts and substantially corroborate a consistent and coherent whole.

Third, the two-month delay in reporting the account of the eyewitnesses, while not explained by the prosecution, is not too significant as to give to any doubt on the veracity thereof. The belated report and the reluctance of witnesses to testify in criminal actions is a matter of judicial notice.[37] Nonetheless, a thorough evaluation of the transcript of the stenographic notes indicates that these eyewitnesses testified in a candid and straightforward manner. Perlita Candelario revealed her fear of ARNOLD. As to Angeles de la Cruz, we can only surmise that her blood relationship with both the victim and the accused prevented her from immediately reporting what she had witnessed. Besides, ARNOLD, the victim JAMES, and all the eyewitnesses were neighbors and knew each other. The dilemma faced by these witnesses certainly placed them in a compromising situation.

Fourth, the failure of both Angeles de la Cruz and Perlita Candelario to immediately seek help does not necessarily deviate from natural human conduct. Fear has its bizarre way of rendering people immobile even in life-and-death situations.[38] Not every witness to a crime is expected to act reasonably and conformably under normal circumstances. Indeed, there is no standard form of human behavior when one is confronted with a strange, startling, or frightful experience.[39]

Perlita Candelario explained that upon seeing ARNOLD swing the ax, she was overwhelmed with fear and could not immediately act on her own, since she was afraid of him. She knew that ARNOLD usually carried a gun.[40]

Angeles and Perlita testified that they could not sleep that evening. In fact, to satisfy her nagging curiosity Angeles sought out Perlita early the following morning and they both proceeded to the house of JAMES, albeit belatedly. Upon seeing the dead body of JAMES, Perlita sought the help of the police.[41] Verily, it cannot be gainsaid that their subsequent conduct was in accord with human experience.

ARNOLD's appeal is hinged on his defense of alibi. Well-settled is the rule that alibi is the weakest of all defenses, for it is easy to contrive and difficult to disprove. The positive testimony of the eyewitness prevails over ARNOLD's defense of alibi.[42] For such defense to prosper, it is not enough that he prove that he was somewhere else when the crime occurred, but he must also demonstrate that it was physically impossible for him to have been at the scene of the crime.[43] ARNOLD miserably failed to prove this point. He claimed that he was asleep at his home the night JAMES was killed. However, the distance between his home and JAMES's was about 100 meters.[44] It would take only a few minutes to traverse said distance by foot.

Nevertheless, we rule that the crime committed was homicide, not murder as found by the trial court. The qualifying circumstances of evident premeditation and treachery alleged in the information were not substantiated by the evidence on record.

We disagree with the trial court's finding of evident premeditation. For it to be appreciated as a qualifying aggravating circumstance, the following requisites must exist: (1) the time when the accused determined to commit the crime; (2) an act manifestly indicating that the accused has clung to his determination; and (3) sufficient lapse of time between such determination and execution to allow him to reflect upon the circumstances of his act.[45] The trial court concluded that ARNOLD intended the death of JAMES but failed the first time when he and his group were pacified by the neighbors. Accordingly, it was only after his visit to the hospital did ARNOLD and his companions conspire to finish off JAMES for which reason they returned to the house of JAMES.

The testimonies of the prosecution witnesses are bereft of any indication that ARNOLD intended the death of JAMES in their altercation. There was no verbal or physical threat of death at all. What took place was a simple exchange of words. Significantly, neither of the parties suffered any physical injury due to the timely intervention of concerned neighbors. In the absence of any basis arising from the testimonies of the witnesses for the prosecution, such findings and conclusions of the trial court are simply speculative and must be overturned. Thus, the finding of evident premeditation must be rejected.

Neither are we not persuaded by the argument of the Office of the Solicitor General that the killing of JAMES was attended by treachery. Treachery exists where the offender commits any of the crimes against persons employing means or methods which directly and specially insure its execution thereof without risk to himself arising from the defense the offended party might make.[46] For treachery to be present two conditions must concur: (1) the employment of means of execution that gives the person attacked no opportunity to defend himself or retaliate; and (2) the deliberate and conscious adoption of the means of execution.[47]

A thorough study of the record shows that the last persons to see JAMES alive and asleep were Mauro Sison and Erwin Leiza. They remained outside the house. Three to five minutes later Mauro saw ARNOLD's group heading east. When it began to drizzle Mauro and Erwin eventually proceeded home, which was just twenty meters across JAMES's house.[48] When Mauro got home he noticed ARNOLD and his group back at JAMES's place, with ARNOLD and another entering the said house. After a short while, they went out and proceeded westward.

Indeed, JAMES might have been asleep when his father and Mauro left him alone. However, whether he remained asleep at the time he was killed is not established. The other witnesses limited their testimony to the fact that they saw ARNOLD swing the ax once. Angeles de la Cruz positively saw the ax hit JAMES, whereas Perlita

Candelario failed to see who the intended victim was. Neither testified that JAMES was asleep, thus, casting a doubt on the matter of treachery.

We reject ARNOLD's plea of voluntary surrender as a mitigating circumstance. What the record reveals is that he admitted having been arrested by the police.[49] This is not voluntary surrender as contemplated by the law.

We, therefore, rule that ARNOLD is guilty beyond reasonable doubt of homicide, which is punishable by reclusion temporal under Article 249 of the Revised Penal Code. Since neither mitigating nor aggravating circumstance has been proved, the imposable penalty would be the medium period of reclusion temporal pursuant to Article 64 of the Revised Penal Code. He is, however, entitled to the benefits of the Indeterminate Sentence Law. Accordingly, ARNOLD can be sentenced to an indeterminate penalty ranging from ten (10) years of prison mayor as minimum to seventeen (17) years and four (4) months of reclusion temporal as maximum.

The award of actual damages in the sum of P20,000, representing interment expenses, is deleted for the failure of the heirs of JAMES to prove the said amount. The record is bereft of any allegation or testimony to that effect. Likewise, we delete the third award of damages of P50,000 for the death of the victim. Said award is already recognized under number 1 of the dispositive portion of the trial court's decision.

WHEREFORE, the decision of the Regional Trial Court of Tagudin, Ilocos Sur, Branch 25, in Criminal Case N. 348-T is hereby MODIFIED. As modified, accused-appellant ARNOLD REALIN is found guilty beyond reasonable doubt as principal of the crime of homicide as defined and penalized under Article 249 of the Revised Penal Code and is hereby sentenced to suffer an indeterminate penalty ranging from TEN (10) years of prison mayor as minimum to SEVENTEEN (17) YEARS and FOUR (4) MONTHS of reclusion temporal as maximum, with all its accessory penalties. The awards for damages in the amounts of (1) P20,000 representing interment expenses; and (2) P50,000 for the death of James Leiza in the hands of Arnold Realin under number 3 of the dispositive portion are set aside. In all other aspects, the challenged decision stands.

Costs against the accused-appellant.

SO ORDERED.

Melo, Kapunan, Martinez, and Pardo, JJ., concur.

[1] Original Record (OR), 439-458; Rollo, 31-50, Per Judge Herminia M. Pascua.

[2] OR,1.

[3] See OR, 169 and 181.

[4] TSN, 24 April 1990, 16-17, 32.

[5] TSN, 24 April 1990, 5-9.

[6] Id., 9-11,

[7] Id., 7, 14-15, 17-18.

[8] TSN, 20 June 1990, 3-5.

[9] Id., 5-7.

[10] Id., 7-8, 17.

[11] TSN, 24 April 1990, 44, 49.

[12] Id., 49-51.

[13] TSN, 23 October 1990, 19-21.

[14] Exhibits “C,” “C-1” to “C-6”; OR, 296.

[15] Exhibit “A.”

[16] TSN, 23 October 1990, 3-9; TSN, 22 October 1991, 4.

[17] Exhibit “B”; OR, 295.

[18] TSN, 22 October 1991, 5-6.

[19] OR, 326-334.

[20] Id., 335-336.

[21] TSN, 21 November 1995, 3-8.

[22] Exhibit “2”; OR, 402-403.

[23] Tsn, 21 November 1995, 9-11.

[24] Id., 12, 16, 20.

[25] TSN, 25 September 1995, 3-8.

[26] TSN, 24 February 1994, 3-10.

[27] TSN, 1 February 1995, 4-10.

[28] TSN, 26 July 1995, 3-8.

[29] Supra note 1.

[30] OR, 572-573.

[31] People v. Padilla, 242 SCRA 629, 639-640 [1995]; People v. Malunes, 247 SCRA 317, 324 [1995]; People v. Gomez, 251 SCRA 455, 465 [1995].

[32] See People v. De la Cruz, 207 SCRA 632, 643 [1992]; People v. Galas, 262 SCRA 381, 391 [1996].

[33] People v. Boniao, 217 SCRA 653, 670-671 [1993]; People v. Viente, 225 SCRA 361, 368-369 [1993]; People v. Galas, supra note 32, at 391; People v. Soria, 262 SCRA 739, 748-749 [1996].

[34] People v. Lorenzo 240 SCRA 624, 636 [1995]; People v. Hubilla, 252 SCRA 471, 478-479 [1996].

[35] Exhibit “1-B,” OR, 404.

[36] People v. Pamor, 237 SCRA 462, 475 [1994]; People v. Padilla, supra note 31, at 642; People v. Diaz, 262 SCRA 723, 732 [1996].

[37] People v. Viente, supra note 33, at 370; People v. Landicho, 258 SCRA 1, 37 [1996].

[38] People v. Galas, supra note 32, at 392.

[39] See *People v. Kyamko*, 222 SCRA 183, 192 [1993]; *People v. Malunes*, supra note 31, at 326; *People v. Gomez*, supra note 31, at 468.

[40] TSN, 20 June 1990, 7, 17.

[41] TSN, 24 April 1990, 8-10; TSN, 20 June 1990, 7-8.

[42] *People v. Enciso*, 223 SCRA 675, 686 [1993]; *People v. Pidia*, 249 SCRA 687, 703 [1995]; *People v. De Guzman*, 265 SCRA 228, 245 [1996].

[43] *People v. Maqueda*, 242 SCRA 565, 592 [1995]; *People v. Laurente*, 255 SCRA 543, 565 [1996].

[44] TSN, 21 November 1995, 17.

[45] *People v. Estrellanes*, 239 SCRA 235, 250[1994]; *People v. Hubilla*, supra note 34, at 482; *People v. Cruz*, 262 SCRA 237, 243-244[1996].

[46] *People v. Buka*, 205 SCRA 567, 587 [1992]; *People v. Villegas*, 262 SCRA 314, 323 [1996]; *People v. Tabag*, 268 SCRA 115, 131-132 [1997].

[47] *People v. Hubilla*, supra note 34, at 481; *People v. Landicho*, supra note 37, at 27.

[48] TSN, 24 April 1990, 48-50.

[49] TSN, 21 November 1995, 11.

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.