

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. TROY MALATE Y CARILAN, ROLDAN MIRANDA Y RABAGO, ELMER ALIPIO, FRANK FAISAL AND ENRIQUE “RICKY” CAÑETE, ACCUSED.

G.R. No. 128321. March 11, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-128321/>

CALLEJO, SR., J.:

This is an appeal of the Decision[1] of the Regional Trial Court of Quezon City, Branch 95, convicting the appellant Enrique Cañete of murder and sentencing him to reclusion perpetua.

The Case for the Prosecution

Manolito U. Manuyag, Jr. testified that the students of the Central Colleges of the Philippines (CCP) in Sta. Mesa, Manila, who were members of the ALPHA Phi Omega Fraternity (APO) and the Samahang Ilocano were friendly to each other. However, members of the TAU Gamma Phi Fraternity were at odds with the members of the APO. Sometime in August or September 1993, a member of the APO threw a pillbox at a member of the TAU Gamma fraternity of the CCP. On January 20, 1994, John Eric del Nocho, a member of the TAU Gamma was killed. Troy Malate and Roldan Miranda, who were members of the APO were charged for the crime.

On February 21, 1994, at about 9:30 p.m., Manolito and Fernando Obrino, students of the CCP and members of the TAU Gamma were in the vicinity of the Jollibee Restaurant and Uniwide Store at the corner of General Malvar and General Araneta Streets, Araneta Center, Cubao, Quezon City. They were on their way to take a passenger jeepney in going to the house of Fernando at No. 22 Reso Street, Meralco Village, Taytay, Rizal, where Manolito planned to spend the night. They were alarmed when Fernando saw Cynthia Pajarillo, a member of the APO in the area.

Fernando warned Manolito to be alert and careful. Momentarily, Frank Faisal, Troy Malate, Roldan Miranda and the appellant Enrique Cañete, all members of the APO, ganged up on Fernando. The appellant and his companions were armed with knives and pieces of wood. The appellant hit Fernando with the piece of wood and stabbed him. The appellant's companions followed suit. Fernando fell to the ground, mortally wounded. The assailants ran away and fled from the scene. Shocked at the sudden turn of events, Manolito was immobilized by fear. He also fled from the scene and went to his house at V. Mapa Street, Sta. Mesa, Manila. Fernando was rushed to the St. Luke's Hospital where he died shortly thereafter.

Mario Sillar, a construction worker employed by the Pililla Construction Engineering Company, testified for the prosecution that at about 9:30 p.m. on February 21, 1994, he was mixing cement for his employer in front of the Uniwide Store near Jollibee at the corner of Gen. Araneta and Gen. Miguel Malvar Streets, Cubao, Quezon City. He left the place for a while to buy cigarettes. On his way, he saw a male person pursuing and boxing another. An encounter (rambulan) had ensued in a lighted place about eight meters away. He saw six persons who were mauling a male person. One of the maulers who was tall, with long hair and heavily built, boxed the victim twice. Three of the maulers carried notebooks. He did not see any of the six maulers armed with a knife, piece of wood,

or a piece of stone.[2] Many bystanders witnessed the incident but did nothing to help the victim. After about ten minutes, the culprits fled from the scene. The victim was bloodied, but managed to leave the place and disappear into the crowd of onlookers. The next day, February 22, 1994, he reported the matter to the PNP Araneta Police Station[3] at around 7:00 p.m. and gave a sworn statement to the police investigator.[4] At the station, he was shown a picture of one of the suspects. He confirmed that the face shown in the picture was one of the maulers. He also gave a sworn statement to SPO2 Elmer Rodriguez of Police Station No. 7 at the Central Police District in which he described one of the malefactors as “tall and had a long hair, with big body build.”[5] After about two weeks, the parents of the victim saw him at his house and asked him to testify on the death of their son. On March 21, 1994, he swore to the truth of his Statement dated February 22, 1994.[6]

During the trial, Mario pointed to and identified the appellant whose picture was shown to him by the policeman, as one of the maulers who boxed the victim twice.

In the meantime, on March 24, 1994, police authorities arrested Troy Malate and Roldan Miranda. A police line-up was formed, including Roldan Miranda and Troy Malate. When asked by the police investigator to identify Fernando’s assailants from any of those in the line-up, Manolito pointed to Troy Malate and Roldan Miranda.[7]

Dr. Florante Bautista, PNP Medico-Legal Officer, performed an autopsy on the cadaver of Fernando and signed his report containing his postmortem findings, thus:

Fairly developed, fairly nourished male cadaver in rigor mortis with postmortem lividity over the dependent portions of the body. Conjunctivae, lips and nailbeds were pale.

EXTERNAL INJURIES: HEAD, TRUNK AND EXTREMITIES:

(1) Stab wound, anterior right upper thorax; thru the 4th right intercostal space, 126 cms. from the heel, 7 cms. from anterior midline, measuring 2 x 0.6 x 5 cms. depth, directed downwards, backwards, towards lateral, piercing the middle lobe of the right lung.

(2) Stab wound, anterior left lower thorax, thru the 5th left intercostal space, 119 cms. from the heel, 7 cms. from anterior midline, measuring 4.5 x 1 x 11 cms. depth, directed upwards, backwards, towards midline piercing the pericardium and left ventricle of the heart.

(3) Stab wound, right deltopectoral region, 138 cms. from the heel, 1.6 cms. from the anterior midline, 1.5 x 0.6 x 10 cms. depth, directed downwards, slightly backwards, towards midline, thru the muscle tissue.

(4) Stab wound, right axillary region, thru the 2nd right intercostal space, 133 cms. from the heel, 19 cms. from anterior midline, measuring 2.3 x 0.8 x 13 cms. depth, directed downwards, slightly backwards, towards midline, piercing the upper lobe of the right lung.

(5) Stab wound, left supra-scapular region, 139 cms. from the heel, 4 cms. from posterior midline, measuring 2 x 0.8 x 5 cms. depth, directed downwards, slightly forward towards lateral, thru the muscle tissue.

(6) Stab wound, posterior right hypochondriac region, 106 cms. from the heel, 4.5 cms. from posterior midline, measuring 1.1 x 0.3 x 9 cms. depth, directed downwards, slightly forward, towards lateral, thru the muscle tissue.

(7) Stab wound, posterior right lumbar region, 100 cms. from the heel, 4 cms. from posterior midline, measuring 1 x 0.3 x 8 cms. depth, directed downwards, slightly forward towards lateral, thru the muscle tissue.

(8) Stab wound, posterior left lumbar region, 96 cms. from the heel, 1 cm. from posterior midline, measuring 0.8 x 0.2 x 2 cms. depth, directed upwards, slightly forward, towards lateral, thru the muscle tissue.

(9) Stab wound, anterior distal 3[rd] left arm, measuring 2 x 0.6 cms., 5 cms., from anterior midline, thru the muscle tissue.

(10) Incised wound, posterior distal 3[rd] left arm, measuring 1.5 x 0.3 cms., 4 cms. from posterior midline.

(11) Linear abrasion, left mandibular region, measuring 2.2 x 0.1 cm., 0 cms. from anterior midline.

(12) Linear abrasion, posterior distal 3[rd] left forearm, measuring 3 x 0.1 cms., 3 cms. from posterior midline.

(13) Stab wound, posterior distal 3[rd] left thigh, measuring 9.8 x 2.5 cms. x 13 cms. depth, directed upwards, forward towards midline, thru the muscle tissue. INTERNAL FINDINGS:

(1) Recovered from the left and right thorax, about 1,000 cc and 500 cc of blood and blood clots, respectively.

(2) Recovered from the stomach ½ glass of brownish fluid.

CONCLUSION:

Cause of death is multiple stab wounds, body.[8]

The doctor testified that stab wounds nos. 1, 2 and 4 were fatal. The assailant/s could have been in front of the victim when stab wounds nos. 1, 2, 3 and 9 were inflicted, while the assailant/s were at the right side of the victim when stab wounds nos. 5, 6, 7, 8 and 13 were inflicted. Wound no. 12 was a defense wound. Two or more instruments could have been used by the assailant/s. The doctor concluded that the stab wounds could have been caused by pointed and bladed instruments.[9]

Per Police Report dated March 30, 1994, PO3 Elmer Rodriguez of the Cubao Police Station stated that when the stabbing incident was reported to their station on February 21, 1994, SPO1 Reynaldo Gatbonton and SPO1 Ramir Cas and himself proceeded to the scene and conducted an on-the-spot investigation. They were able to contact Sillar who told them that he witnessed the crime and identified one of the malefactors as between 25 to 30 years old, 5'5" to 5'7" inches in height, with long hair, long-shaped face and of medium body built. At the St. Luke's Hospital, the policemen talked to Antonio Yap, a friend of Fernando and who, when informed by the policemen of the description of one of the suspects, given by an eyewitness, told the policemen that the description fitted that of the appellant. The policemen were able to secure the appellant's photograph and address, No. 123-C, Santol Street, Quezon City.

The policemen showed the photographs to Sillar who informed the policemen that the face shown in the picture was one of the malefactors. Sillar executed a statement at the police station in which he identified the person in the picture as that of one of those who boxed the victim.[10] However, the appellant could not be found at his given address despite the lawmen's diligent efforts to locate him.[11]

On September 15, 1994, an Information was filed against Troy Malate, Roldan Miranda, the appellant Ricky Cañete, Elmer Alipio, and Frank Faisal, in the RTC of Quezon City, charging them with murder, the accusatory portion of which reads:

That on or about the 21[st] day of February 1994, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, did then and there willfully, unlawfully and feloniously, with intent to kill, qualified with treachery, evident premeditation and use of superior strength, assault, attack and employ personal violence upon the person of FERNANDO OBRINO Y MIA, by then and there hitting him with wooden clubs and stabbing him with bladed weapons on the different parts of his body, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of said Fernando Obrino y Mia.

CONTRARY TO LAW.[12]

On the strength of the warrant of arrest issued by the court, the appellant was arrested on September 22, 1994.[13] However, the other accused remained at large.

On October 28, 1994, the appellant was arraigned, assisted by counsel, and entered a plea of not guilty.

The Case for the Appellant Ricky Cañete

The appellant denied the charge and interposed the defense of alibi. He testified that he was a student at the CCP in Sta. Mesa, Manila, and was a member of the APO fraternity, along with Elmer Alipio, Troy Malate and Roldan Miranda. He knew Fernando Obrino, a member of the TAU Gamma fraternity. He saw him in the school campus from time to time. He was enrolled in the CCP during the school year 1992-1993 and he was in his second year in the College of Architecture.[14] He met Elmer Alipio for the first time during the school's foundation anniversary during the second week of February. After graduating from the CCP, he enrolled at the Manuel L. Quezon University in Quiapo, Manila, where he finished his course in Architecture. A resident of No. 123-B Santol Street, Quezon City, he worked as an "asset" of Police Superintendent Mongcao Angintaopan, Deputy Director for Operations of the Northern Police District Command in Kalookan City, and gave informations on police matters from time to time.

The appellant joined the Federation of Christian and Muslim Volunteer Brigade under the charge of Angintaopan. On February 18, 1994, he received a memorandum that there would be a special assembly of the members of the federation at 4:00 p.m. on February 21, 1994, at the police director's office in Kalookan City. He was also given a copy of the program for the occasion.[15] Before the program commenced on the said date, a picture was taken of Angintaopan and some of the attendees, including Cañete.[16] The attendees, including Cañete, also recorded their names as attendees in the attendance sheet.[17] The seminar under the management of Gigi Quitania lasted until 10:00 p.m.

The appellant averred that Manuyag testified against him because the latter had a grudge against him and the members of the APO. At one time, Manuyag kicked a member of the APO while he was enrolling, and the appellant executed an affidavit against Manuyag. Because of the incident, Manuyag was expelled from the school.

The Case for the Accused Elmer Alipio

The accused Alipio denied any participation in the killing of Fernando. He testified that as a student of the CCP from 1990 up to the first semester of 1992, he was a member of the APO. Between 9:00 p.m. to 10:00 p.m. on February 21, 1994, he was in his house at No. 971-G, Tolentino Street, Cainta, Rizal. He learned of Fernando's death only in June 1994 from Cynthia Pajarillo. She told him that both of them had been implicated in the killing of Fernando. They made inquiries from the Office of the City Prosecutor of Quezon City, and were able to verify the information.

According to the accused, Manuyag testified against him because two other members of the APO executed an affidavit about an incident, during which Manuyag kicked a member of the APO. The incident led to Manuyag's expulsion from the CCP. Manuyag vowed to get back at him. He knew Cañete but did not know Troy Malate and Roldan Miranda. He later transferred to the Technological Institute of the Philippines. Since then, he had been an inactive member of the APO.

Cynthia Pajarillo testified that when she started at the CCP from 1989 to 1994, she was never a member of any sorority or fraternity. She was a close friend of Alipio but did not know Cañete, Malate nor Miranda. She did not know Fernando, as well. She transferred to the MLQU because her mother told her to. She was not in Cubao in the evening of February 21, 1994.

After trial, the court rendered judgment acquitting Alipio but convicting Cañete of murder, the decretal portion of which reads:

WHEREFORE, judgment is hereby rendered finding the accused Enrique “Ricky” Cañete GUILTY beyond reasonable doubt of the crime of murder defined in and penalized by Article 248 of the Revised Penal Code, as amended, and, there being no other aggravating circumstances other than the qualifying circumstances of the crime of murder to warrant the imposition of the death penalty, is hereby sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties of the law. The said accused is further ordered to indemnify the heirs of the late Fernando Obrino the amounts of P50,000.00 by way of moral damages; P50,000.00 for the death of the victim; and P70,840.00 by way of actual damages. The period during which the accused Enrique “Ricky” Cañete was detained at the City Jail of Quezon City shall be credited to the said accused in full provided that he agrees in writing to abide by and comply strictly with the rules and regulations of the City Jail of Quezon City. With costs against said accused.

The accused Elmer Alipio is hereby ACQUITTED of the said charge for failure of the prosecution to prove the guilt of the said accused beyond reasonable doubt.

The City Warden of the Quezon City Jail is hereby ordered to release the accused Elmer Alipio from custody unless he is being detained for another charge or lawful cause.

IT IS SO ORDERED.[18]

The court acquitted Alipio for failure of the prosecution to prove his guilt for the crime charged. The court disbelieved the testimony of Manugay, but gave credence to the testimony of Sillar and convicted the appellant on the basis of the latter’s testimony. The trial court noted that the testimony of Manugay was contradicted by the testimonies of Dr. Florante Bautista and Sillar, who testified that none of those who ganged up on the victim was armed with knives, stones or pieces of wood.

On appeal, the appellant assails the Decision of the trial court contending that:

I- THE TRIAL COURT ERRED IN FINDING THE ACCUSED ENRIQUE CAÑETE GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER DEFINED BY ARTICLE 248 OF THE REVISED PENAL CODE.

II- THE TRIAL COURT ERRED IN FINDING THAT THE DEFENSE OF ALIBI INTERPOSED BY ACCUSED CAÑETE WAS NOT SUFFICIENT TO ACQUIT HIM DUE TO THE POSITIVE IDENTIFICATION BY WITNESS MARIO SILLAR.

III- THE TRIAL COURT ERRED IN FINDING THAT THE KILLING WAS ATTENDED BY THE QUALIFYING CIRCUMSTANCES OF TREACHERY AND ABUSE OF SUPERIOR STRENGTH.

IV- THE TRIAL COURT ERRED IN FAILING TO OBSERVE THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE.[19]

The threshold issue for resolution in this case is whether the prosecution proved the guilt of the appellant beyond reasonable doubt on the basis of Sillar’s testimony.

The appellant avers that the prosecution failed to prove his guilt for the crime charged. The testimony of Sillar is unreliable and barren of probative weight. According to the appellant, Sillar could not have witnessed the stabbing because he testified that he did not notice that any of the maulers were armed with stones or knives, that the malefactors mauled the victim, and the latter was boxed by the appellant two times. However, the physical evidence on record and the testimony of Dr. Florante Bautista show that the victim did not sustain abrasions or contusions or fist blows and that the victim died because of shock secondary to stab wounds and not because of

fist blows. Sillar gave his statement to the police authorities only after the parents of the victim had talked to him ten weeks after the stabbing.

The appellant insists that considering the weak evidence of the prosecution, his defenses of denial and alibi loom large. Even if he were criminally liable for the killing of the victim, the prosecution failed to prove that the crime was qualified by treachery and abuse of superior strength.

The Office of the Solicitor General, for its part, asserts that:

It is inconsequential whether or not appellant merely boxed the victim in the course of the attack. The attack on the victim being in the nature of a concerted action, a conspiracy among the assailants can be reasonably inferred. This conspiracy renders unnecessary to distinguish the respective participations of each assailant in the attack. Where conspiracy has been proven, the act of one is the act of all (*People vs. Gomez*, 251 SCRA 455).

Further, while eyewitness Sillar may not have categorically testified that the assailants were armed, this fact is conclusively established by the injuries of the victim suffered as described in the medico-legal report (Exh. I) and as testified to (pp. 6-13, TSN, April 18, 1995) by the medico-legal expert. The fact that the victim was found to have sustained numerous stab wounds shortly after being attacked by six assailants leads to the reasonable conclusion that these injuries were inflicted during the said attack.[20]

The appeal is meritorious.

In all criminal prosecutions, the accused shall be presumed to be innocent until the charge is proved. The prosecution is burdened to prove the guilt of the accused beyond reasonable doubt.[21] The prosecution must rely on its strength and not on the absence or weakness of the evidence of the accused. By reasonable doubt is not meant that which of possibility may arise but it is that doubt engendered by an investigation of the whole proof and an inability, after such investigation, to let the mind rest easy upon the certainty of guilt.[22]

Accusation is not synonymous with guilt. The prosecution must prove that the crime charged or necessarily included therein was committed and that the accused was precisely the perpetrator of the crime. It is required that the identity of the accused as the perpetrator must be proved beyond reasonable doubt; that every circumstance favoring his innocence be taken into account. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment.[23] If the evidence is susceptible of two interpretations, one consistent with the innocence of the accused and the other consistent with his guilt, the accused must be acquitted.[24] The overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt.[25]

In this case, the prosecution relied principally, if not solely, on the testimony of Sillar in convicting the appellant and on the medico-legal report and testimony of Dr. Florante Bautista. However, we find the testimony of Sillar utterly insufficient on which to anchor a judgment of conviction for murder. His identification of the appellant as one of the perpetrators is flimsy, tenuous and flawed.

First. In Sillar's sworn statement given to PO3 Elmer Rodriguez at 1:45 a.m. of February 22, 1994, he described one of the suspects as tall, big body build and long haired.[26] In his Police Report dated March 30, 1994, PO3 Rodriguez stated that he proceeded to St. Luke's Hospital where the victim was brought and was able to interview Antonio Yap, who, when told of Sillar's description of the suspect, informed the policeman that the description fitted that of the appellant. SPO1 Reynaldo Gatbonton and SPO1 Ramis Cas were able to procure a xerox copy of the photograph of the appellant and two of his addresses. [27] When shown the xerox copy of the photograph on February 22, 1994 at 7:00 p.m. at the police station, Sillar identified that the face of the male person in the photograph was that of the appellant. Sillar then executed a statement stating that the appellant had

boxed the victim and then fled from the scene.[28] Inexplicably, however, the prosecution failed to present PO3 Rodriguez, SPO1 Gatbonton and Cas to testify on the said picture and how they procured it. The prosecution even failed to adduce in evidence the said picture purporting to be that of the appellant. The prosecution, likewise, failed to present Antonio Yap as witness.

Second. Sillar testified that he saw six persons continuously box and maul the victim, which lasted for about ten minutes. However, he did not notice any of the malefactors armed with a knife, or stones or pieces of wood:

COURT: (to witness)

Q

The six persons according to you were mauling one person, is the impression of the court correct?

A

Yes, Your Honor.

Q

When you say mauling, you mean to say that they were only boxing that person?

A

Yes, Your Honor.

Q

The six persons were not armed at the time they were mauling that person?

A

I did not notice anything, Your Honor.

Q

A knife or a wood or a stone, these persons were not armed?

A

None (sic), Your Honor.

Q

Now, at the time those six persons were mauling that person, did you stay stationery on the place where you were standing?

A

I did not change my position, Your Honor.

Q

In other words, you did not go near the place where the mauling was taking place?

A

Yes, Your Honor.

Q

How long, if you know, did the mauling incident take place?

A

Around 10 minutes, Your Honor.

Q

And after that 10 minutes (sic) mauling incident, what did the six persons do, I am referring to (those) persons who mauled that person.

A

They ran away, Your Honor.[29]

Sillar also testified that he saw the appellant box the victim twice.

COURT (to witness)

Q

You identified the accused here as one of those who mauled the victim?

A

Yes, Your Honor.

Q

What did this accused actually do?

A

I saw him box the victim, Your Honor.

Q

How many times did you see the accused box the victim?

A

Two times, Your Honor.[30]

In his statement of February 22, 1994, Sillar declared that he saw persons boxing each other.[31] However, both Sillar's testimony and his sworn statement are belied by the physical evidence on record. Per medico-legal report of Dr. Florante Bautista, the victim sustained eight stab wounds in different parts of his body. The stab wounds were caused by a pointed, single-bladed instrument. Incised wound no. 10 was caused by a bladed instrument. Wounds nos. 11 and 12, linear abrasions, were caused by a pointed instrument or weapon. Wound no. 13 was caused by a bladed instrument. He also testified that more than one instrument was used. The doctor did not find any contusions, abrasions or hematoma on the body of the victim.

Q

Did you find any hematoma on the body of the victim caused by [a] blunt instrument?

A

Aside from the external injuries, nothing.

Q

Could it have been Doctor, that you conducted the autopsy when the body was already in its rigor mortis [state] and the hematoma could have disappeared because of the length of time between the infliction and the time you conducted the autopsy?

A

Your Honor, for the hematoma to see there must be a clear indication. The fact that when we conducted the autopsy, the victim has been dead for hours. No matter even up to the extent of 24 hours, we can still see hematoma if there really was.

Q

Even if the hematoma is not too big?

A

Yes, Your Honor.

Q

Even if it is only a small portion it will disappear in rigor mortis as in the case now?

A

Yes, Your Honor.

Q

Even if it is just a mere abrasion?

A

It will be noted if there was.

Q

Supposing an abrasion was caused by a blunt instrument [and] not a bladed instrument?

A

We can also note that, we can also see it.[32]

The victim died of multiple stab wounds on the body.[33] It is incredible that Sillar never noticed that any of the six maulers were armed with a knife during the entire episode, which lasted for about ten minutes or so. Also

incredible is Sillar's testimony that he saw the victim boxed and mauled for ten minutes or so and yet, no hematoma, contusions, or bruises were found on the victim's body. Certainly, the testimony of Sillar cannot prevail over the physical evidence. After all, physical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses.[34]

We find it strange that the trial court rejected the testimony of Manuyag on the ground that it was belied by the physical evidence, and yet believed and gave full probative weight to the testimony of Sillar, also, in fact, belied by the physical evidence on record.

IN LIGHT OF ALL THE FOREGOING, the appeal is GRANTED. The assailed Decision is SET ASIDE and REVERSED. The appellant Enrique "Ricky" Cañete is ACQUITTED of the crime charged on reasonable doubt. The Director, Bureau of Corrections, Muntinlupa City, is hereby DIRECTED to RELEASE the appellant from detention unless he is being detained for some other cause. The Director is hereby directed to report to the Court his compliance with this Court's Decision within ten (10) days from notice.

SO ORDERED.

Quisumbing, (Acting Chairman), Austria-Martinez, and Tinga, JJ., concur.
Puno, (Chairman), J., on leave.

[1] Penned by Judge Diosdado M. Peralta (now Associate Justice of the Sandiganbayan).

[2] TSN, 13 January 1995, pp. 12-13.

[3] Id. at 14.

[4] Exhibit "C."

[5] Exhibit "D."

[6] Exhibits "C" and "D."

[7] Exhibit "7."

[8] Exhibit "I," Folder of Exhibits , p. 19.

[9] TSN, 18 April 1995, pp. 6-16.

[10] Exhibit "C."

[11] Exhibit "H."

[12] Records, p. 1.

[13] Id. at 35.

[14] Exhibit "8."

[15] Exhibits "3" and "4."

[16] Exhibit "5-A."

[17] Exhibits "2" and "2-A."

[18] Records, p. 283.

- [19] Rollo, p. 77.
- [20] Rollo, pp. 149-150.
- [21] Rule 115, Section 1, Revised Rules of Criminal Procedure.
- [22] People vs. Dramayo, 42 SCRA 59 (1971).
- [23] People vs. Mejia, 275 SCRA 127 (1997).
- [24] People vs. Manambit, 271 SCRA 344 (1997).
- [25] People vs. Vasquez, 280 SCRA 160 (1997).
- [26] Exhibit "D."
- [27] Exhibit "H."
- [28] Exhibit "C."
- [29] TSN, 13 January 1995, pp. 11-13 (Sillar).
- [30] Id. at 17-18.
- [31] Exhibit "C."
- [32] TSN, 18 April 1995, pp. 16-17 (Dr. Bautistal).
- [33] Exhibit "I."
- [34] People vs. Silvano, 350 SCRA 650 (2001).

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.