

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CAMELO LENANTUD Y LINAMIN, JOVEN BURLA Y DELFIN, AND
JOHN DOE, ACCUSED,**

G.R. No. 128629. February 22, 2001

Ponente: BUENA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-128629/>

BUENA, J.:

This is an appeal from the decision[1] of the Regional Trial Court of Valenzuela, Branch 171, finding accused-appellants Camelo Lenantud y Linamin and Joven Burla y Delfin guilty of murder, sentencing each to suffer the penalty of reclusion perpetua, and to indemnify, jointly and severally, the heirs of Teofilo Tullao[2] the sum of P61,770.00 as actual damages and P50,000.00 as civil indemnity for the death of the victim, plus costs. The case proceeded only as against accused Camelo Lenantud and Joven Burla, the third accused having remained at large. The information against accused-appellants alleged -

"That on or about the 22nd day of November, 1996 in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, without any justifiable cause, with treachery, evident premeditation and abuse of superior strength and with deliberate intent to kill, did then and there wilfully, unlawfully and feloniously stab one TEOFILO TULLAO y LAGANTIHA, thereby inflicting upon the said victim serious physical injuries which directly caused his death.

"Contrary to law."[3]

Accused-appellants pleaded not guilty, whereupon, trial on the merits ensued.

The prosecution relies mainly on the eyewitness account of Maricel Galban, a 20-year-old waitress working at the Leo and Laring Store located at A. Bonifacio Street, East Canumay, Valenzuela. Galban testified that on November 22, 1996, at about 11:30 p.m., she was sweeping outside the Leo and Laring Store when she noticed three persons ganging up on Teofilo Tullao. According to Galban, accused-appellants held both hands of Tullao while the other person, whom she identified as "Ronnie,"[4] stabbed Tullao.[5] Galban claimed that she was about six (6) arms-length from the place where Tullao was stabbed and such place was well-lighted. She knew the accused-appellants and Tullao because they were customers in the store. Galban continued to testify that when Tullao was stabbed, he struggled and tried to fight back, and finally fell on the ground. Accused-appellant Lenantud and "Ronnie" lifted Tullao but when they noticed that he was already dead, they dropped him back on the ground and ran away. Galban further recalled that Tullao was not holding any weapon when he was stabbed to death. She also asserted that she was able to see the bladed weapon used by "Ronnie" in stabbing Tullao, estimating the same to be six (6) to eight (8) inches in length, excluding the handle.[6]

On cross-examination, Galban asserted that the stabbing incident occurred at the Tagarino Store, which is about 10-15 meters away from the Leo and Laring store where she was working,[7] and insisted that she did not see defense witness Marilou Cos at the Tagarino Store when the incident happened.[8] Furthermore, Galban

maintained that before the stabbing incident, there was a "rumble" involving the three (3) accused, Tullao and two (2) companions of Tullao.[9] According to her, these two (2) companions of Tullao ran away only after the stabbing incident occurred.[10] Likewise, the three (3) accused ran away only after Tullao was stabbed.[11]

SPO1 Jesus Sagisi, a member of the Valenzuela Police Station, detailed at the Station Investigation Division (SID) testified on cross-examination that he went to the scene of the crime on November 22, 1996, at about 11:35 p.m. with Police Inspector Christopher Tambungan. When he arrived at the scene of the crime, the place was already cordoned off. SPO1 Sagisi revealed that he was able to interview prosecution witness Galban who was then standing in front of the Leo and Laring Store, which is about seven (7) meters away from Tagarino Store, the scene of the crime. He observed that from Leo and Laring Store, he could clearly see what was happening at the Tagarino Store which was well-lighted. He further testified that Galban recognized and identified the two (2) accused, Lenantud and Burla, as the perpetrators of the crime when she appeared at his office the following morning to execute her affidavit.

Dr. Valentin Bernales, a medico-legal officer of the National Bureau of Investigation, conducted the post-mortem examination on the body of Teofilo Tullao, and prepared Autopsy Report No. 96-2346[12] and a certificate of post-mortem examination showing the following:

"POSTMORTEM FINDINGS

"Pallor and rigidity, generalized.

"Contused-abrasions, reddish: forehead, right side, medial aspect, 0.7 x 0.2 cms.; nose bridge, two (2) in numbers, sizes of 2.0 x 1.0 cm.

"Stab wound, 1.0 cm., elliptical in shape, edges clean-cut with extremities, inferiorly is sharp and superiorly is contused with an area of contused-abrasion located above and more on the left, 0.6 cm.; chest, sternal area, left side, 1.0 cm. From the anterior medial line; directed backward, downward and medially; involving the sternum, left side; Heart, left auricle to roof of aorta with an approximate depth of 10.0 cm.

"Hemopericardium, approximately 200 c.c.

"Lung, right, with pleural adhesion.

"Brain and other visceral organs, pale.

"Stomach, ½ filled with partly digested rice and other food materials.

"CAUSE OF DEATH

"Stab wound, chest.[13]

Jeneth Tullao, the victim's widow, testified on the funeral and burial expenses amounting to P61,770.00 incurred by her as a result of the death of her husband.[14]

SPO2 William Haduca, a member of the Valenzuela Police Station, detailed in the mobile patrol at Police Block 6 in Paso de Blas, Valenzuela, Metro Manila, testified that on November 22, 1996, at around 11 p.m., after SPO1 Teodoro Espejo received a telephone call about a stabbing incident in Canumay, Valenzuela, they proceeded to the place of the incident which was near a store in A. Bonifacio St., Canumay. Upon reaching the said place, he saw a man lying prostrate with blood oozing from the mouth, on the chest, nose and breast. They called a police investigator at the headquarters for him to investigate, and went back to their office when the investigator arrived. A few minutes after they arrived in their office, a barangay captain called and informed them that one of the suspects in the stabbing incident was in his custody. They proceeded to the place where the barangay captain was

and saw accused Joven Burla with the barangay captain. SPO2 Haduca talked to Burla and saw a blood stain on Burla's left foot which the latter immediately erased with his right foot. Thereafter, SPO2 Haduca apprehended Burla and presented him to a witness for identification purposes. Together with accused Burla, they went back to their office where they asked Burla on his companions' whereabouts. They proceeded immediately to San Diego, the place mentioned by Burla. They apprehended the second accused, Camelo Lenantud, hiding under a bed. However, the third accused, which he came to know as "Ronnie," was able to escape.

SPO1 Teodoro Espejo, a member of the Valenzuela Police Station, detailed in the "Kababayan Center No. 6" in Paso de Blas, Valenzuela, Metro Manila, substantially corroborated the testimony of SPO2 William Haduca as to the events that transpired from the time they received a telephone call informing them of the stabbing incident up to the time they apprehended the accused Burla and Lenantud.

In their defense, accused-appellants presented Marilou Cos, a 20-year-old canteen helper at the Tagarino Store, who testified that on November 22, 1996, around 12 midnight, she was at the store serving customers whom she identified as "Bong,[15] Daniel and Baboy" and another one whom she did not know. She saw Rony Hueva[16] enter the store to buy cigarettes. When Huerva left the store, Tullao and his companions also left the store. Because she had to close the window and door of the canteen, Cos followed them outside the store[17] where she saw a "commotion" involving "Rony, Bong, Daniel and Joven Burla." [18] Thereafter, she saw Tullao's companions, "Daniel" and "Baboy," run away and enter the Leo and Laring Store. She also noticed Lenantud running down the street.[19] "After the fighting stopped,"[20] she saw Burla leave and go towards the apartment where he lives. Huerva and Tullao were left standing, then Huerva got a knife from his belt and stabbed Tullao.[21] Huerva ran away after stabbing Tullao.[22] Tullao fell down slowly as he was being held by one of his companions.[23] After Tullao fell down, he was lifted by his companion[24] and moved a meter away, then was left lying on the ground.[25] Thereafter, policemen arrived. Cos further testified that she was only about six (6) meters away from the place where Tullao fell down.[26] When the policemen arrived, they went inside Tagarino Store and made an investigation. They questioned Cos' companion Baby and employer Tacing. Afterwards, the policemen went to Leo and Laring Store. After about five (5) minutes, the policemen then went to the residence of Huerva, located in front of Tagarino Store. Afterwards, they proceeded to Ising Store, about 8 to 10 meters away from Tagarino Store. The policemen went back to Tagarino Store and asked more questions from Cos' employer. On cross-examination, Cos testified that on November 22, 1996, at around 7 p.m. until 1:30 a.m. of the following day, she was inside Tagarino Store with her employer. She went to sleep after staying in the store.[27] On redirect, however, Cos admitted that she did not sleep after serving at the store.[28]

In his defense, accused-appellant Joven Burla admitted having been with his co-accused Huerva and Tullao at the time of the incident but maintained that he was five (5) meters away from Tullao when he was stabbed by Huerva. According to Burla, on November 22, 1996, at around 12:00 midnight, he was with his co-accused Camelo Lenantud and a certain Gary, at the latter's house located along Bonifacio Street, East Canumay, Valenzuela, and they were already intending to leave Gary's house. His co-accused Huerva followed and invited them to drink at Leo and Laring Store. Burla, Huerva, Lenantud and Gary then proceeded to Leo and Laring Store where they stayed for more than an hour. Afterwards, Huerva went home. Burla invited Lenantud to sleep in his house. Lenantud had second thoughts so both of them just sat outside Tagarino Store. A few minutes later, Huerva went out of his house and bought cigarettes at Tagarino Store. When Huerva came out of Tagarino Store, the people drinking inside the said store also came out. Lenantud boxed one of these people and ran away.[29] Thereafter, Burla saw Huerva and Tullao attempting to fight. Tullao's companion held him while Burla, on the other hand, tried to pacify Huerva. Tullao turned and was about to hit Burla so the latter boxed the former, but missed hitting him. Burla was boxed by Tullao, was hit on his right hand, and fell. Meanwhile, the person boxed by Lenantud was brought by one of his companions to Leo and Laring Store. After Burla fell, he saw Tullao approach Huerva.

Huerva got a knife from his belt and stabbed Tullao. Tullao then fell in front of Burla. Burla saw blood on Tullao's lips and shirt. Burla further testified that when Tullao was stabbed by Huerva, Tullao was with one of his companions who tried to pacify them and aided him (Tullao) when he fell down. Thereafter, Burla went home and slept. Between 3 and 4 a.m., Burla was awakened by the people outside his house so that he could be investigated. He went with these people to a billiard hall in Ising Store. Policemen arrived at the store, saw blood on his left sole, immediately handcuffed him, and brought him to Paso de Blas where he was further investigated. Later, he accompanied the policemen to Lenantud's house but they did not find him. He was brought to another house. When they went back to Lenantud's house, he saw Lenantud already tied hands at his back, with a belt. Both accused were brought to the vehicle and handcuffed. Burla insisted that he came to know of the stabbing incident only when they were being investigated, and he did not know that it was Tullao who was stabbed. He only learned that Tullao was stabbed when they were already at the municipal building and Tullao's wife arrived. Burla further asserted that he was five (5) meters away when Tullao was stabbed.[30] He did not notice if Lenantud was nearby when Tullao was stabbed because Lenantud already ran away.[31] On cross-examination, Burla testified that before Lenantud boxed one of the people who came from Tagarino Store, they stared at each other first.

The testimony of accused-appellant Camelo Lenantud substantially corroborated the narration of his co-accused Burla as to the events that transpired from the time they were at Gary's house up to the time he ran away after boxing one of Tullao's companions.[32] According to Lenantud, he ran towards his house, located about six (6) meters away. Huerva went to his house later and told him he (Huerva) would sleep there. Huerva slept at a bench in Lenantud's house. Lenantud, on the other hand, slept in his room. At 5:00 a.m., Lenantud was roused from sleep by the noise outside his house. He saw policemen holding guns and looking for him. He got scared and hid under his bed. The policemen pulled him from under the bed, told him to lie down with his head facing the floor, got his belt and tied his hands at the back. He was brought with Burla to the police headquarters where he saw prosecution witness Galban and a certain Daniel, one of Tullao's companions at the time of the incident. Galban and Daniel pointed to him as one of those involved in the stabbing of Tullao.[33] Lenantud further testified that it was only in the precinct that he learned for the first time that a person was stabbed. On cross-examination, accused-appellant Lenantud explained that he hid under the bed because he was afraid that the policemen holding guns might fire at him.

On rebuttal, the prosecution recalled eyewitness Maricel Galban.

After considering the evidence presented during the trial, the court a quo, on March 24, 1997, found both accused-appellants guilty of the crime of murder. The dispositive portion of the judgment reads:

"WHEREFORE, finding accused CAMELO LENANTUD y LINAMIN and JOVEN BURLA y DELFIN Guilty beyond reasonable doubt of the offense charge[d], they are hereby sentenced each to suffer the penalty of RECLUSION PERPETUA with the corresponding accessory penalties prescribed by the law and to pay the proportionate costs.

"Accused are hereby ordered to pay jointly and severally, the heirs of the victim Teofilo Tullao the sum of P61,770.00 the expenses incurred for funeral, burial and wake of deceased Teofilo Tullao and to indemnify the heirs the sum of P50,000.00.

"SO ORDERED."

In arriving at its verdict, the trial court found the prosecution's version to be "more believable." According to the trial court, "xxx. [p]rosecution eyewitness Maricel Galban appeared and sounded credible and her credibility is reinforced by the fact that she has no reason to testify falsely against the accused. There was no evidence of any fact or circumstance from which it could be reasonably inferred that she falsely testified or she was actuated by an

improper motive. xxx."[34] The trial court was likewise persuaded that "... the concerted acts of accused Cameo [Camelo] Lenantud, Joven Burla and Ronnie Huerva is a clear indication of community of design to kill the victim Teofilo Tullao who was in no position (sic) to flee and/or defend himself. It was convincingly shown that while Ronnie Huerva was stabbing Teofilo Tullao, accused Camelo Lenantud and Joven Burla were holding the victim on both arms, a means employed that gives (sic) victim Teofilo Tullao no opportunity to defend himself or to retaliate. Treachery was in attendance."[35] The trial court discarded the testimony of defense witness Marilou Cos as replete with contradictions and tainted with inconsistencies.[36] The trial court elaborated thus:

"Doubt is created in the mind of the Court in the testimony of defense witness Marilou Cos. She categorically testified in the cross-examination that she slept at 1:30 a.m. after tending to the sari-sari store at the Tagarino's Store. Realizing probably that it runs (sic) counter to her previous narration, she conveniently changed her testimony and said she did not go to sleep immediately at 1:30 a.m. This witness testified that she served customers Bong, Daniel and Baboy in the canteen on November 22, 1996 at 12:00 midnight. That she served the canteen up to 2:00 in the early morning. She also stated that she was attending the sari-sari store up to 1:30 a.m. These inconsistencies and self-contradictions committed by the said witness greatly affect her credibility. Moreover, why did she not present herself to the police at the time of the investigation and gave (sic) statement of what she had witnessed."[37]

In this appeal, accused-appellants raise the following errors:

- The trial court erred in adopting the version of prosecution witness Galban.
- The trial court erred in holding that there was treachery.
- The trial court erred in holding that there was conspiracy.
- The trial court erred in not adopting the version of the defense.
- The trial court erred in finding herein accused-appellants guilty beyond reasonable doubt.
- The trial court erred in imposing civil liabilities against herein accused-appellants.

The appeal has no merit. After a careful review of the evidence and the records of this case, we find no reason to disturb the findings and conclusions of the trial court. "Well-settled to the point of being elementary is the doctrine that on the issue of credibility of witnesses, appellate courts will not disturb the findings arrived at by the trial court, which was certainly in a better position to rate the credibility of the witnesses after hearing them and observing their deportment and manner of testifying during the trial. This rule stands absent any showing that certain facts and circumstances of weight and value have been overlooked, misinterpreted or misapplied by the trial court which, if considered, would affect the result or outcome of the case."[38]

In the case at bar, accused-appellants question the credibility of prosecution witness Maricel Galban mainly due to the alleged inconsistencies in the affidavit she executed and her testimony in open court, e.g., Galban testified in court that accused-appellants held Tullao's arms while Huerva stabbed Tullao, but in her affidavit she stated that only accused Lenantud held Tullao's right arm while Burla was behind Tullao.

The contention is untenable. "The infirmity of affidavits as a species of evidence is a common occurrence in judicial experience. Affidavits are generally not prepared by the affiants themselves but by other persons who used their own language in writing the statements. Being ex parte, they are almost always incomplete and often inaccurate, but these factors do not denigrate the credibility of witnesses. As such, affidavits are generally considered to be inferior to testimony given in court."[39]

The alleged inconsistencies between the affidavit and testimony of Galban are minor and do not affect her credibility as a witness. They merely show that her affidavit is incomplete with respect to certain details that do not in any way detract from the overall veracity of her testimony. As we ruled in *People vs. Alfeche*,^[40] "xxx. Neither inconsistencies on trivial matters nor innocent lapses affect the credibility of a witness. On the contrary, they may be considered badges of veracity or manifestations of truthfulness on material points in the testimony. Put in another way, minor inconsistencies even tend to strengthen rather than weaken the credibility of a witness because they erase any suspicion of rehearsed testimony. xxx."^[41]

The prosecution evidence which rests mainly on the testimony of Maricel Galban, is credible, reliable and trustworthy. Galban testified in a straightforward, spontaneous and candid manner and never wavered even on cross-examination and rebuttal. The inconsistencies in her testimony are minor which tend to buttress, rather than weaken, the conclusion that her testimony was not contrived.

Anent the second assigned error, accused-appellants contend that the trial court erred in holding that there was treachery. They argue that the prosecution failed to show that accused-appellants deliberately and consciously adopted the manner of executing the crime and insist that the act was done at the spur of the moment.^[42] It is further asserted that since there was a commotion before the stabbing incident, Tullao must have been forewarned of the impending danger.^[43]

Again the contention is without merit. Treachery is committed when two conditions concur, namely, that the means, methods, and forms of execution employed gave the person attacked no opportunity to defend himself or to retaliate; and that such means, methods and forms of execution were deliberately and consciously adopted by the accused without danger to his person.^[44] In the instant case, these requisites were evidently present, as Huerva, without any warning, stabbed Tullao, while accused-appellants Lenantud and Burla were holding the arms of Tullao. The suddenness of the actions of the accused-appellants and the obvious helplessness of the victim provided no opportunity for the latter to defend himself.

The third assigned error fails to impress us. Accused-appellants submit that "[t]he conclusion of conspiracy must fall, for the prosecution failed to show actual agreement between the parties to commit the crime. Neither was concerted action sufficiently proven, as again, herein accused deny any participation in Bong's [Tullao] stabbing by Huerva as they were far away from Huerva when he acted alone."^[45]

A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.^[46] "To establish conspiracy, two or more persons must be shown to come to an agreement concerning the commission of a felony. It is not, however, necessary that direct proof be adduced to establish such agreement. It can be inferred from the acts of the accused which clearly manifest a concurrence of wills, a common intent or design to commit a crime. If it is proved that two or more persons aimed by their acts towards the accomplishment of the same unlawful object, each doing a part so that their acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and concurrence of sentiment, then a conspiracy may be inferred."^[47] In the case at bar, the prosecution proved that accused-appellants were holding both arms of Tullao when Huerva stabbed Tullao. Conspiracy is thus evident from accused-appellants' collective and individual acts which demonstrated the existence of their common design to kill the victim.

As regards the fourth assigned error, accused-appellants claim that the trial court should have been given credence to the testimony of defense witness Marilou Cos. We reiterate the rule that findings of fact of the trial court pertaining to the credibility of witnesses command great weight and respect since it had the opportunity to observe their demeanor while they testified in court. As stated at the outset, we find no reason in this case to

depart from this established rule. Furthermore, accused-appellants rely heavily on their denial and alibi. This Court has consistently ruled that alibi is the weakest of all defenses, and for it to prosper the accused has the burden of proving that he was not at the scene of the crime at the time of the commission and that it was physically impossible for him to be there. In the case at bar, the defense failed to satisfy these requirements. Moreover, in light of the positive identification of accused-appellants as the perpetrators of the crime, their defense of alibi and denial cannot be sustained.

In view of the foregoing discussion, the fifth contention that the trial court erred in finding accused-appellants guilty beyond reasonable doubt need not be discussed.

As regards the last assignment of error, accused-appellants assert that the trial court erred "...in awarding actual damages of P61,770.00 since the same was not proven by competent proof and on the best evidence available, but based on the mere testimony of [the] victim's wife." [48]

The contention is partly meritorious. Exhibits C and C-1 are mere photocopies but their admission under the best evidence rule has not been demonstrated, hence their admission is indeed objectionable. Objection to documentary evidence must be made at the time it is formally offered, not earlier. [49] In the instant case, a written objection to the formal offer of evidence was filed by accused-appellants, contrary to the submission of the Solicitor General. [50] Accused-appellants objected to the admissibility of the said documents when they were formally offered on the ground that the original copies were not produced. Exhibits C and C-1 are therefore, inadmissible.

On the other hand, Exhibits D, D-1, D-2, and D-3 appear to be an itemized list of the expenses incurred during the wake of the deceased, admittedly prepared by the widow of the deceased. The widow testified that she personally incurred all the expenses listed therein. [51] In this instance, the best evidence rule does not apply because the subject of the inquiry is not the contents of a particular document. The prosecutor admitted in court the absence of receipts for the enumerated expenses, thus:

"xxx xxx.

ATTY. MIRAVITE: (To the witness)

Q: And do you have receipts of all the items listed?

FISCAL RAZON:

We admit that we have the list in so far as the itemized list of expenses is concerned.

xxx xxx." [52]

The testimony of the widow suffices to prove that she personally incurred all the expenses listed therein, minus the amount allegedly paid to the Valenzuela Memorial Homes, which was not sufficiently proven, as explained earlier.

All told, the crime of murder perpetrated by accused-appellants was established beyond reasonable doubt by the prosecution's evidence and witnesses. The imposition of the penalty of reclusion perpetua on accused-appellants is mandated under Article 248 of the Revised Penal Code, as amended.

IN VIEW OF THE FOREGOING, the decision of the Regional Trial Court of Valenzuela, Branch 171, in Criminal Case No. 5935-V-96 finding accused-appellants CAMELO LENANTUD y LINAMIN and JOVEN BURLA y DELFIN guilty beyond reasonable doubt of the crime of murder as defined and penalized under Article 248 of the Revised Penal Code, as amended by R.A. No. 7659, is AFFIRMED, subject to modification as to the

award of actual damages. As modified, the award of P61,770.00 for actual damages is substituted with the award of P44,770.00 as actual damages plus P50,000.00 as civil indemnity for the death of Teofilo Tullao, which accused-appellants shall pay, jointly and severally, to the heirs of the victim.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

[1] Dated March 24, 1997 and penned by Judge Adriano R. Osorio.

[2] Also referred to as Teofilo Tullao or Bong.

[3] Records, p. 1.

[4] Also referred to as Ronnie Huerva.

[5] TSN, December 20, 1996, pp. 6-7.

[6] Ibid., p. 11.

[7] Ibid., p. 14.

[8] Ibid., p. 15.

[9] Ibid., p. 16.

[10] Ibid., p. 18.

[11] Ibid., pp. 18-19.

[12] Exhibit I.

[13] Ibid.

[14] Exhibits C and D.

[15] Also referred to as Teofilo Tullao.

[16] Also referred to as Ronnie Huerva.

[17] TSN, February 26, 1996, p. 12.

[18] Ibid., pp. 16-17.

[19] Ibid., p. 24.

[20] Ibid., p. 25.

[21] Ibid., pp. 26-29.

[22] Ibid. p. 31.

[23] Ibid., p. 29.

[24] Ibid., pp. 29-30.

[25] Ibid., p. 40.

- [26] Ibid., p. 35.
- [27] SN, March 4, 1997, pp. 8-9.
- [28] Ibid., p. 17.
- [29] Ibid., p. 27.
- [30] Ibid., p. 39.
- [31] Ibid.
- [32] TSN, March 14, 1997, pp. 20-23.
- [33] Ibid., at pp. 28-29.
- [34] Rollo, p. 34.
- [35] Ibid.
- [36] Ibid., p. 35.
- [37] Ibid.
- [38] People vs. Lacatan, 295 SCRA 203, 210-211 (1998).
- [39] People vs. Mores, 311 SCRA 342, 350 (1999).

[40] 294 SCRA 352 (1998).

- [41] Ibid., at p. 371.
- [42] Rollo, p. 71.
- [43] Ibid.
- [44] People vs. Sabalones, 294 SCRA 751, 799 (1998).
- [45] Rollo, p. 73.
- [46] Revised Penal Code, Article 8.
- [47] People vs. Cortes, 286 SCRA 295, 301 (1998).
- [48] Rollo, p. 85.
- [49] Macasiray vs. People, 291 SCRA 154, 161 (1998).
- [50] Records, pp. 44-47.
- [51] TSN, December 20, 1996, pp. 26-27.
- [52] Ibid., at p. 26.

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.