

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELINO
“BOBONG” NAGUITA AND DIOSCORO COMIGUE, ACCUSED, ELINO
“BOBONG” NAGUITA, ACCUSED-APPELLANT.**

G.R. No. 130091. August 30, 1999

Ponente: DAVIDE, JR., C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-130091/>

DAVIDE, JR., C.J.:

This case is before us for automatic review pursuant to Article 47 of the Revised Penal Code as amended by R.A. No. 7659[1] of the decision[2] of 19 May 1997, of the Regional Trial Court of Cagayan de Oro City, Branch 40, finding accused-appellant Elino "Bobong" Naguita (hereafter NAGUITA) guilty beyond reasonable doubt of the crime of murder in Criminal Case No. 95-130 and sentencing him to suffer the penalty of death and to pay the heirs of the victim the sums of P74,500 as actual damages, P100,000 as moral damages and P50,000 as indemnity.

NAGUITA, along with one Alvin Fuentes (hereafter FUENTES), were charged with murder in an information whose accusatory portion reads as follows:

That on or about the 17[th] day of January 1995 at 6:00 o'clock in the evening, more or less, at Purok 4, Barangay Casinglot, Tagoloan, Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the said accused, conspiring and helping one another, did then and there, willfully, unlawfully and feloniously with intent to kill and with treachery and evident premeditation, attack, assault and use personal violence upon the person of one Wenifredo "Dodong" Naguita by then and there suddenly stabbing him on different parts of his body, thereby inflicting wounds which were the direct and immediate cause of his death thereafter.

CONTRARY TO and IN VIOLATION OF Article 248 of the Revised Penal Code.[3]

Both were arrested. FUENTES escaped while in detention and before arraignment. NAGUITA pleaded not guilty upon his arraignment.[4]

Witnesses for the prosecution were Dr. Anacleto Awiten, Gegeline Tombiga, Rhandy Naguita, SPO1 Jaime Ave, Eugenio Ramos, Guillerma Naguita, Nonime Macas, and PO3 Oliver Leyros. NAGUITA, Barangay Captain Julito Tadeo, and Marlon Bolanio testified for the defense.

We summarize below the trial court's narration of facts[5] established by the testimonies of the witnesses for the prosecution:

On the evening of 17 January 1995, Guillerma and her husband, Wenifredo Naguita (hereafter WENIFREDO), were at the second floor of their house at Barangay Casinglot, Tagoloan, Misamis Oriental. At around 10:30 P.M., Guillerma left WENIFREDO, who was then already asleep, to find out if there was water at the public faucet located some sixty meters from their residence. Since she found out at 11:00 p.m. that water was available, she returned home to get containers for the water. As she was approaching her house, she saw NAGUITA and FUENTES, both wielding bloodied bladed weapons, descending from the stairs of their house. She recognized

NAGUITA and FUENTES because they are her relatives and neighbors and she was standing two meters away from the staircase, which was illuminated by a fluorescent lamp. Guillerma shouted for help, but NAGUITA warned her "not tell anybody because" they "will go back and kill" her. Guillerma briefly lost consciousness, and when she regained consciousness she went up her house and looked for WENIFREDO. Not finding him, she again shouted for help, then fainted. When she regained consciousness, people were already milling around her house and told her that WENIFREDO was dead from stab wounds.

Guillerma said that due to WENIFREDO's death she spent P5,500 for his tomb, P7,000 for the pantheon and grave marker, P12,000 for funeral services, and P5,000 for the wake. She likewise contracted for P50,000 the services of a lawyer to assist her in the prosecution of the case against NAGUITA.

Guillerma also revealed that prior to his death, WENIFREDO was among those who pursued a criminal case for rape against Julito Naguita, NAGUITA's father.

SPO1 Jaime Ave, a police investigator at the Tagoloan Police Station, examined the crime scene at 9:00 a.m. of 18 January 1995. He noticed bloodstains on the mat on which WENIFREDO slept; no other trace of blood was found anywhere else. From interviews with civilian volunteer Mario Bolanio and barangay kagawad Marlon Bolanio, Ave learned about the quarrels among the members of the Naguita families. Julito Naguita was charged with the rape of the wife of Jimmy Naguita, WENIFREDO's brother; Jimmy Naguita was killed by unidentified assailants on his way to a hearing of the rape case; after Jimmy's death, WENIFREDO took interest in the prosecution of Julito Naguita and thereafter received death threats; and Julito Naguita escaped from detention.

Ave further learned from Bolanio that NAGUITA and FUENTES manifested unusual behavior after the incident. However, Bolanio failed to report to Ave's office to give a written statement.

Ave also interviewed WENIFREDO's son Rhandy and daughter Gegeline Tombiga. Rhandy informed Ave that FUENTES told him on 24 October 1994 that in the forthcoming days members of Rhandy's family would die. Gegeline told Ave of death threats against WENIFREDO. According to her, sometime before WENIFREDO's death, Julito Naguita, in NAGUITA's presence, told her: "your parents are traitors; time will come they will regret." Gegeline surmised that the threat was due to WENIFREDO's assistance in the filing of the rape charge against Julito Naguita.

At the witness stand, Rhandy Naguita informed the court that before WENIFREDO's death, FUENTES resided in NAGUITA's house located about fifteen meters from WENIFREDO's house. On 24 October 1994, FUENTES told Rhandy that in the coming days, someone in Rhandy's family would die.

Dr. Anacleto Awiten, Municipal Health Officer of Tagoloan, examined WENIFREDO's cadaver at about 10:00 a.m. of 18 January 1995. He found nine wounds which he described in a report (Exhibits "A" and "A-1") as follows:

- Clean cut wound with regular edges located at the upper up arm, left side anterior aspect. The deep of the wound is around one half (1/2) inch and eight (8") inches in length.
- Stab wound with clean cut edges located one (1) inch above the left mammary gland. The opening is about one & a half (1-1/2) inches and ten (10) inches deep coursing posteriorly to the back of the body.
- Stab wound with clean cut edges located at the left chest wall about two (2) inches above the left mammary gland slightly to the alternum. The opening is about one and a half (1-1/2) inches and the deep is about five (5) inches coursing towards the back of the body.
- Stab wound with clean cut edges located at the center of the chest wall about six (6) inches below the root of the neck. The deep is about four (4) inches.

- Stab wound with clean cut edges located at the right mammary gland about five (5) inches above it. The opening is about ten (10) inches running towards the posterior of the body.
- Open wound with clean cut edges located at the right wrist of the hand anteriorly.
- Small open wound with clean cut edges located at the right arm, anterior portion, upper aspect. The wound is about three (3) inches in length with one half (1/2) inch in depth.
- Stab wound located at the back of the body right side, slightly below the scapular bone. Opening is about one (1) inch with the depth of five (5) inches running anterior to the body.
- Small wound located two (2) inches below the wound no. 8. The wound is about one (1) inch opening with two (2) inches depth.

Dr. Awiten inferred that a sharp pointed instrument caused the wounds, and he estimated that WENIFREDO's death occurred six hours before the examination of the cadaver. He concluded that the cause of death was internal hemorrhage.

Eugenio T. Ramos, a photographer, was instructed by the police to take pictures of the crime scene. He identified the pictures marked as Exhibits "C," "C-3" and "C-4" as shots of the blood stain near WENIFREDO's head when he was found.

For his defense, NAGUITA interposed a denial and the alibi that he was at home with his wife at the time the crime occurred. On 17 January 1995 at around 11:30 p.m., he was awakened by a shout coming from the direction of the house of his aunt, Guillerma. He went to his mother's house, located near Guillerma's. There he saw Guillerma and asked her what happened. The latter replied that her husband was killed, but she did not say who killed him. NAGUITA proceeded to the house of Barangay Captain Julito Tadeo, about 400 meters from the crime scene, to report the incident. He met FUENTES along the way and the two went to Tadeo's house. When informed of the incident, Tadeo told the two to go to the house of barangay kagawad Marlon Bolanio, located about 300 meters away, because the latter had a radio with which to contact the police. They were able to meet Marlon who called the police when informed of what happened to WENIFREDO. NAGUITA and FUENTES then proceeded to the crime scene. Bolanio told NAGUITA and FUENTES they would not go inside WENIFREDO's house until the police arrived. Policemen arrived at around 3:00 or 4:00 a.m., and they went inside the house with Bolanio. NAGUITA did not know what happened next.

NAGUITA further testified that on the morning of 19 January 1995, FUENTES, was arrested, and at around 2:00 or 3:00 that day, NAGUITA was "invited" to the Tagoloan Police Station. At the station, NAGUITA was detained for charges which, he claimed, were unknown to him. When he asked why he was detained, he was informed that he was charged of killing WENIFREDO.

Finally, NAGUITA declared that he was handcuffed while FUENTES was not; Guillerma visited FUENTES and gave him cigarettes, money and food; and Guillerma stopped going to the police station after FUENTES escaped from detention.

Julito Tadeo, Sr., Barangay Captain of Casinglot, Tagoloan, corroborated NAGUITA's testimony and confirmed that about 12:00 midnight of 17 January 1995, NAGUITA reported trouble in Guillerma's house. He told NAGUITA to go to Marlon Bolanio's house because the latter had a radio with which to contact the police. At 9:00 a.m. of 18 January 1995 he found WENIFREDO dead, but he failed to ask Guillerma what caused the death. Tadeo further declared that WENIFREDO and NAGUITA were in speaking terms before the incident.

Marlon Bolanio testified that he was awakened by NAGUITA, then accompanied by FUENTES, on 17 January

1995. The two reported the incident, thus Marlon contacted the police through his handheld radio. He then woke up three other barangay tanods and proceeded to WENIFREDO's house. They waited for the police to arrive. He did not know where NAGUITA and FUENTES went afterwards. When two policemen arrived, he accompanied them to the crime scene. They found WENIFREDO dead, lying in a pool of his own blood. He observed that there was blood only on the mat where WENIFREDO was lying. He did not participate in the investigation conducted by the policemen and only watched as they examined the scene.

The prosecution presented Nonime Macas, Guillerma, and PO3 Oliver Leyros as rebuttal witnesses.

Nonime Macas, WENIFREDO's sister, lived about 200 meters away from his house. At around 11:00 p.m. of 17 January 1995, she was awakened by Guillerma's shouts for help. Responding to the call, she found Guillerma sitting outside her house still shouting for help. She went inside the house and saw blood on a table at the ground floor. She noticed that the blood came from the second floor. She went to the room where the blood came from. As it was too dark for her to see, she shouted for light, but nobody came to help her. She then went out of the house and asked a group of persons for help but they did not assist her. She went to her sister's house, told her what happened, and asked for a flashlight. She returned to the site of the incident and stayed beside Guillerma. She never saw NAGUITA near Guillerma.

Guillerma denied having visited FUENTES or giving him money, cigarettes or food while he was detained.

PO3 Oliver Leyros testified that he was a jail guard at the Tagoloan Police Station from 17 December 1994 to December 1995. He knew that NAGUITA and FUENTES were detained at the Tagoloan jail. FUENTES was never allowed to go out of his cell during his detention. He saw Guillerma at the police station but he did not know whom she visited. If one wished to visit a detainee, permission must be obtained from the guard, and Guillerma never asked him permission to visit FUENTES.

The trial court gave full faith and credit to the evidence for the prosecution. It dismissed NAGUITA's defense that he would not have reported the incident to Barangay Captain Julito Tadeo if he were involved in the incident. On the contrary, the court interpreted the act "as a cover-up and as a ploy." It reasoned that if NAGUITA and FUENTES did not commit the crime, they should have accompanied the Barangay tanods and the policeman to the crime scene. Their failure to do so indicated they were afraid Guillerma might point them out as the killers.

While the trial court conceded that no one saw the killing, it found the following circumstances sufficient to prove and conclude that NAGUITA was one of WENIFREDO's killers: (1) a charge for the rape of WENIFREDO's sister-in-law was filed against NAGUITA's father, which resulted in the latter's conviction, although the latter escaped from jail; (2) WENIFREDO was instrumental in the prosecution of the rape case; (3) NAGUITA was present when his father Julito threatened Gegeline Tombiga that "time will come, they (Gegeline's parents) will regret"; (4) immediately before WENIFREDO's body was found, NAGUITA and FUENTES were seen descending from the stairs from the room where WENIFREDO was sleeping and was found dead, holding bloodied weapons, and they told Guillerma not to tell anybody about the incident or they would come back and kill her; and (5) NAGUITA and FUENTES did not go with Bolanio and the barangay tanods to inspect the crime scene, and he did not even wait for the police to arrive.

The trial court appreciated the qualifying circumstance of treachery, based on the finding that (1) the victim was underneath a mosquito net when discovered; and (2) blood was concentrated on the mat he was lying on, and not scattered, which would have otherwise hinted that WENIFREDO put up a defense. It also appreciated the qualifying circumstance of evident premeditation, as it was proven that WENIFREDO was instrumental in the conviction of NAGUITA's father.

Thus, in its decision[6] of 17 May 1997, the trial court decreed:

WHEREFORE, premises considered, court hereby finds the accused Elino "Bobong" Naguita guilty beyond reasonable doubt, as principal by direct participation, with the crime of Murder, qualified by treachery, defined and penalized under Article 248 of the Revised Penal Code, as amended by Section 6 of R.A. 7659, as charged in the Information and considering the generic aggravating circumstance of evident premeditation in the commission of the offense without any aggravating circumstance to suffer the supreme penalty of death, with all the accessories of the law, to indemnify the heirs of the deceased victim Wenifredo Naguita the total sums of P74,500.00 as actual damages, P100,000.00 as moral damages, P50,000.00 as standard indemnity for death (pursuant to existing jurisprudence) and to pay cost of the proceeding.

SO ORDERED.[7]

Before us NAGUITA contends in his Appellant's Brief that the trial court erred in convicting him based on circumstantial evidence and facts not introduced in evidence, and despite the absence of proof of his guilt beyond reasonable doubt.

NAGUITA argues that the trial court was primarily moved by the following circumstances: (1) NAGUITA's father told Gegeline Tombiga, "Your parents are traitors; time will come they will regret"; (2) FUENTES told Rhandy Naguita that in the following days, harm would befall Rhandy's parents; (3) NAGUITA was nowhere to be found when the police and Barangay tanods investigated the crime scene; and (4) Guillerma reported she saw NAGUITA and FUENTES descending from the stairs to her house and NAGUITA told her not to tell anyone about the incident or they would return to kill her.

NAGUITA claims the first two circumstances consist of acts not attributable to him. The warning told to Gegeline Tombiga was made by NAGUITA's father; while the threat expressed to Rhandy Naguita was made by FUENTES. The third circumstance disregarded NAGUITA's testimony. The court below believed that NAGUITA was nowhere to be found after Bolanio and Barangay tanod members arrived at Guillerma's house. NAGUITA claims that he testified that after hailing Bolanio, he went back to Guillerma's house where he saw Bolanio and, later, some police officers go inside the house.

To NAGUITA, the only circumstantial evidence worth considering is Guillerma's testimony that he threatened her that he and FUENTES would come back to kill her if she told anyone of the incident. But he submits that this circumstance is dubitable because Guillerma is an incredible witness since she failed to shout for help or to ask her neighbors to arrest the accused after the latter allegedly ran away, and to inform her son, Rhandy Naguita, who the killers were. Also, she revealed only belatedly, i.e., six days after the incident, the identity of the accused, when she submitted her sworn statement to the police.

NAGUITA also asserts there were inconsistencies between Guillerma's testimony and her affidavit. Particularly, Guillerma testified that she was unable to go inside her house after she was confronted by the accused; yet in her affidavit she stated that after the accused ran away, she shouted for help and proceeded to her husband's room. Guillerma also testified that she knew NAGUITA's family bore hatred against WENIFREDO, but her affidavit stated that WENIFREDO had no enemies.

In the Brief for the Appellee the Office of the Solicitor General submits that NAGUITA's arguments are devoid of merit. His denial can not prevail over the positive testimony of a prosecution witness and the physical evidence on record proving his criminal accountability. As to his defense of alibi, NAGUITA failed to show it was physically impossible for him to have been present at the scene of the crime or its vicinity at the time of its commission and, assuming *arguendo* that he was indeed at his house with his wife and children on the night of the crime, it was not impossible for him to go to WENIFREDO's house. Moreover, NAGUITA and FUENTES were positively

identified by Guillerma as the persons who were going down the stairs of her house with bloodied bladed weapons in hand and who threatened her not to tell anyone what she saw that night. It is settled that positive identification prevails over the defense of denial or alibi.[8]

In sum, we are once again ask to revise a trial court's assessment of the credibility of a witness, especially Guillerma in this case. The elementary rule is when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.[9]

We find no fault with the trial court's analysis of Guillerma's credibility. An examination of the record confirms said court's observations that Guillerma was straightforward, she was not evasive and she never testified on matters she could not be expected to know about. Moreover, we have the trial judge's guarantee that she "personally and carefully observed [Guillerma] while testifying." [10]

Independent of the trial court's assessment, we still see no reason to doubt Guillerma's credibility, and not even the reasons cited by NAGUITA can convince us otherwise. Guillerma's failure to call for help as NAGUITA and FUENTES ran away can be explained by Guillerma's claim that right after NAGUITA threatened her, she fainted. In any event, the workings of a human mind placed under emotional stress are unpredictable, and people react differently to the same stimuli.[11] Hence, Guillerma cannot be faulted for not acting the way NAGUITA predicted she would.

Guillerma's delay of at least six days in revealing the identity of the accused is of no moment. The delay was minimal and understandable considering that NAGUITA's threat had a profound effect on Guillerma. In fact she fainted right after the threat was made. Neither the reluctance to volunteer information about a crime, nor a delay in reporting the same, can detract from the credibility of the witness when sufficiently explained,[12] as in this case.

The alleged inconsistencies between Guillerma's affidavit and her testimony were trivial, as both affidavit and testimony ultimately told the same story. In any case, a sworn statement or affidavit, being taken ex parte, is almost always incomplete and often inaccurate, sometimes from partial suggestion or for want of suggestions and inquiries. Its infirmity as a species of evidence is a matter of judicial experience. As such, affidavits taken ex-parte are generally considered to be inferior to the one made in open court.[13]

Additionally, as regards NAGUITA's alibi, he admitted that the distance between his house and that of the victim was only one hundred (100) meters, and he was in fact able to reach it in a short while after he heard Guillerma shout for help.[14] For the defense of alibi to prosper, the requirements of time and place must be strictly met. It is not enough to prove that the accused was somewhere else when the crime was committed, he must demonstrate that it was physically impossible for him to have been at the scene of the crime at the time of its commission.[15] NAGUITA obviously failed in this task, as he even proved the contrary.

We agree with the trial court that the prosecution presented sufficient circumstantial evidence to prove beyond reasonable doubt the guilt of NAGUITA for the killing of WENIFREDO.

Under the law,[16] circumstantial evidence is sufficient for conviction if the following requisites are present: (1) there is more than one circumstance; 2) the fact from which the inferences are derived are proved; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. It is doctrinally settled that a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances

proven constitute an unbroken chain which leads to one fair reasonable conclusion which points to he accused, to the exclusion of all others, as the guilty person, i.e., the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with any other hypothesis except that of guilt.[17] In this case the following circumstances convince us with moral certainty that NAGUITA killed WENIFREDO:

- (1) There had been bad blood between WENIFREDO and the family of NAGUITA's family. The former was instrumental in the prosecution of the criminal case for rape against NAGUITA's father, Julito.
- (2) The complainant in the rape case was the wife of WENIFREDO's brother, Jimmy.
- (3) Jimmy was killed by unidentified assailants while on his way to attend the hearing in the rape case.
- (4) Guillerma left her house on the evening of 17 January 1995 for the place where the public faucet was located, WENIFREDO was asleep on a mat on the second floor of their house.
- (5) When Guillerma was approaching her house upon her return from the public faucet, she saw NAGUITA and FUENTES descending on the stairs of her house. NAGUITA and FUENTES were holding bloodied bladed weapons.
- (6) When Guillerma shouted upon seeing NAGUITA AND FUENTES, NAGUITA warned her not to tell anybody or they will come back and kill her.
- (7) WENIFREDO was found dead with several wounds, bathed with his own blood, on the mat where he was sleeping.
- (8) According to the doctor, WENIFREDO sustained nine (9) wounds.

The only issue left to be determined is whether the crime committed was murder. The trial court ruled in the affirmative because of the presence of the qualifying circumstances of treachery and evident premeditation, which are alleged in the Information. It is settled that absent any particulars as to the manner in which the aggression commenced or how the act which culminated in the death of the victim began and developed, treachery cannot be appreciated to qualify the killing to murder.[18] In the instant case, no witness testified as to how WENIFREDO was attacked and killed. Nevertheless, if circumstantial evidence would suffice to sustain a conviction, then it may suffice to establish treachery. There is treachery when the offender commits any of the crimes against the person, employing means, methods, forms in the execution thereof which directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.[19] We have no doubt that the following circumstances, duly proven, produce the inference that treachery attended the killing of WENIFREDO: (1) WENIFREDO was asleep on the mat when Guillerma left him at 10:30 p.m. on 17 January 1995; (2) WENIFREDO was found dead on the mat; and (3) bloodstains were found at no other place, but the mat; (4) the injuries inflicted on WENIFREDO demonstrate beyond doubt that he was unable to offer any resistance; and (5) he was killed at any time between Guillerma's leaving for the public faucet and her return to her house thirty minutes later. All these produce in an unprejudiced mind a conclusion that WENIFREDO was fast asleep when he was stabbed. It was then physically impossible for WENIFREDO to be forewarned of the attack and to offer any defense. There is as well no doubt in our mind that NAGUITA employed a method or form of execution, namely, choosing a time and a condition that directly and especially insured the execution of the criminal act without risk to himself; i.e., when the target was asleep.

We do not, however, agree with the trial court's ruling that the qualifying circumstance of evident premeditation was present. No attempt was made to establish the requisites of evident premeditation, viz.: (a) the time when the

accused determined to commit the crime, (b) an act manifestly indicating that the accused has clung to his determination, and (c) a sufficient lapse of time between such determination and execution to allow him to reflect upon the consequences of his act.[20] Hence, evidence of the time when the accused decided to commit the crime and when he actually committed it is essential.

With the qualifying circumstance of treachery duly proved, the crime committed is murder under Article 248 of the Revised Penal Code. As amended by R.A. No. 7659, the penalty imposed therein for murder is reclusion perpetua to death. Considering that neither generic aggravating nor mitigating circumstances were proved, the imposable penalty would be reclusion perpetua, pursuant to Article 63 of the Revised Penal Code.

As to the damages awarded, modifications have to be made on the award of actual and moral damages. Only the expenses for the tomb improvement (P5,500) for the pantheon and tombstone (P7,000) and funeral services (P12,000) in the aggregate of P24,500 were duly proven by evidence. No receipt was presented for the expenses incurred during the six-day vigil. Guillerma suffered incomparable sorrow due to the death of her husband, but she left to the discretion of the trial court the award for moral damages. We reduce such award from P100,000 to P30,000. Only Guillerma is entitled to it since she alone testified on her sufferings. Under the circumstances, and in light of the evidence that Guillerma hired for P50,000 the services of counsel to assist her in the prosecution of the case, an award of P20,000 for attorney's fees is in order under, Article 2208, par. 11, of the Civil Code.

WHEREFORE, the assailed decision of the Regional Trial Court of Cagayan de Oro City, Branch 40, in Criminal Case No. 95-130 is hereby MODIFIED. As modified, accused-appellant ELINO "Bobong" NAGUITA is hereby found guilty beyond reasonable doubt, as principal, of the crime of murder defined and penalized in article 248 of the Revised Penal Code, as amended by R.A. No. 7659, and is hereby sentenced to suffer the imprisonment penalty of reclusion perpetua, and to pay the heirs of the victim Wenifredo Naguita the sums of P50,000 as indemnity for his death P24,500 as actual damages, and P20,000 as attorney's fees, and to pay Guillerma Naguita, widow of the victim, the additional sum of P30,000 as moral damages.

Costs de officio.

SO ORDERED.

Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago JJ., concur.

[1] Entitled "An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code, as Amended, Other Special Penal Laws, and for Other Purposes."

[2] Original Record (OR), 88-100; Rollo, 18-30. Per Judge Faustina Llesis Gentiles.

[3] OR, 1; Rollo, 3.

[4] Id., 7.

[5] Id., 88-97; Rollo, 19-27.

[6] Supra note 2.

[7] OR, 100; Rollo, 30.

[8] People v. Taneo, 218 SCRA 494 [1993]; People v. Kyamko, 222 SCRA 183 [1993]; People v. Pamor, 237 SCRA 462 [1994]; People v. Delovino, 247 SCRA 637, 649 [1995].

[9] People v. Bantasil, 249 SCRA 367, 376 [1995]; People v. Gomez, 251 SCRA 455, 465 [1995]; People v. Hubilla, Jr., 252 SCRA 471, 478 [1996].

[10] Decision, 11; OR, 98; Rollo, 28.

[11] People v. Malunes, 247 SCRA 317, 325-326 [1995]; People v. Gomez, 251 SCRA 455, 468-469 [1995].

[12] People v. Landicho, 258 SCRA 1, 37 [1996]; People v. Leoterio, 264 SCRA 608, 615 [1996].

[13] People v. Bayani, 262 SCRA 660, 680 [1996]; People v. Conde, 252 SCRA 681, 690 [1996]; People v. Diaz, 262 SCRA 723, 732 [1996].

[14] TSN, 22 May 1996, 7.

[15] People v. Compendio, 258 SCRA 254, 263-264 [1996]; People v. Alshaika, 261 SCRA 637, 646 [1996].

[16] Section 4, Rule 133, Rules of Court.

[17] People v. Tiozon, 198 SCRA 368 [1991]; People v. Alvero, 224 SCRA 16 [1993].

[18] People v. Cruz, 262 SCRA 237, 243 [1996].

[19] Article 14, par. 16, Revised Penal Code.

[20] People v. Narit, 197 SCRA 334 [1991]; People v. Barba, 203 SCRA 436 [1991]; People v. Cordova, 224 SCRA 320 [1993].

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.