PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLITO ARIZALA Y VALDEZ, ACCUSED-APPELLANT.

G.R. No. 130708. October 22, 1999

Ponente: GONZAGA_REYES, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-130708/

GONZAGA_REYES, J.:

Before us by way of automatic review is the judgment of conviction imposing the death penalty upon CARLITO ARIZALA y VALDEZ for the killing of SGT. ROLANDO CARA.

The Information dated February 17, 1997 states:

> "That on or about 5:00 o'clock in the evening of February 14, 1997, along Cabarroguiz Street, District IV, municipality of Bayombong, province of Nueva Vizcaya, Philippines and within the jurisdiction of the Honorable Court, the above-named accused with intent to kill and treachery, did then and there willfully, unlawfully and feloniously attack, assault and stabbed from behind SPO4 Rolando Cara y Roduta for several times, thereby inflicting mortal wounds on the different parts of the body which directly caused his death to the damage and prejudice of the heirs.
>
> CONTRARY TO LAW."[1]

Upon arraignment on February 28, 1997, herein accused-appellant, duly assisted by counsel, entered a plea of "not guilty." Thereafter trial on the merits ensued.

The Office of the Solicitor General summarized the facts as viewed by the prosecution witnesses, to wit:

> "At around 5:00 o'clock in the afternoon of February 14, 1997, when Sgt. Rolando Cara saw Manolito de Guzman on a street in Barangay Salvacion, Bayombong, Nueva Vizcaya, the former asked if they could both go to the latter's house to talk about something. Manolito acceded and they went to his house. They had just entered the place when Sgt. Cara saw some women on the road and decided to talk to them first. Their conversation lasted for quite sometime, and when Manolito could no longer wait he went out to the street to call back Sgt. Cara. At this point, Manolito saw Reynaldo Barut, Marco Barut and Carlito Arizala approaching (TSN, 4/15/97, pp. 2-3; 4/23/97, pp.l 6-7). The men had just come from the cemetery where they were contracted to demolish a tomb and were on their way home (TSN, 7/23/97, pp. 2-3). Sgt. Cara called Reynaldo Barut, a former chief of the Bantay Bayan, to join him and Manolito in the latter's house as he wanted to talk to both of them (TSN, 4/15/97, p. 4; 7/23/97, p. 6). Meanwhile, Carlito, who appeared drunk, directly proceeded to his house which he rented from Manolito (TSN, 7/23/97, pp. 7, 10). It was actually a room in the latter's house with its own entrance which was at the edge of the road facing east, while the gate leading to the entrance of the main house occupied by Manolito was situated on the northern side (TSN, 7/24/97, pp. 6-8).
>
> Manolito walked ahead of Sgt. Cara and Reynaldo, and when he was about to enter the gate of his house he turned to Sgt. Cara who was about three (3) meters behind and told him to come inside (id., pp. 4-7). Just then Manolito saw Carlito suddenly rush out of the door of his house which was about 2.5 meters away from where Sgt. Cara was, saying, "Vulva of your mother you policemen, I hate all of you" and at the same time pushed and stabbed the latter at the back with a knife ("hinalong") about 10 inches long (TSN, 4/5/97, p. 4; 4/29/97, p.

> 4; 5/6/97, p. 2). Sgt. Cara fell prone on the ground. Manolito was taken aback and when Carlito made a motion to thrust at him he ran away. He saw Carlito stab Sgt. Cara three (3) times before running away for safety (TSN, 4/15/97, p. 5 4/29/97, pp. 4-5). Manolito then reported the incident to Sgt. Mario Lopez who immediately proceeded to the crime scene. Later when he returned to the place of the incident, Manolito saw that Sgt. Cara was already loaded in the police vehicle, while Carlito was lying on the ground in a prone position about 18 meters away from where he attacked Sgt. Cara (TSN, 4/30/97, pp. 2-4).
>
> Dr. Nestor Domingo, Municipal Health Officer of Bayombong, Nueva Vizcaya who conducted the autopsy on the cadaver of Sgt. Cara, found that he sustained fourteen (14) stab wounds, nine (9) of which were fatal. Of the nine fatal wounds, seven (7) were at the back and two (2) were on the left lateral side of his body. Dr. Domingo testified that only one type of weapon was used to inflict them, which was a single bladed weapon (TSN, 6/3/97, pp. 7-11).[2]

On the other hand, accused-appellant presented his own account of the incident in his brief, to wit:

> "Accused-appellant CARLITO ARIZALA admitted having inflicted the injuries sustained by Sgt. Rolando Cara in self-defense. He said that on February 14, 1997, from morning til afternoon, they (he, Reynaldo and Marco Barut) were in the cemetery of Bayombong to gather the bones belonging to a certain Mr. La Corda so that a new body could be interred in the tomb. Before they started working, they consumed a bottle of San Miguel Gin. At around 5:00 p.m., they left the cemetery and went to La Corda's house to return the tools used in the cemetery. Then, they proceeded home after receiving their compensation for the job. On their way home, they passed at a store to have their P1,000.00 bill changed into smaller denominations. When he was already near his house, he noticed Sgt. Cara at the place of Manolito de Guzman. He entered his house, gave his earning to his wife and rested for a while. Afterwards, he assisted his wife to cook by slicing meat. He was not able to finish slicing meat as Sgt. Cara was shouting at him and ordering him to get out of his house. At first, he was reluctant to go out as Sgt. Cara appeared to be mad but later on he did come out. Sgt. Cara scolded and uttered invectives at him blaming him for the illegal logging activities in Salvacion, Bayombong. His repeated denial of the said accusation made Sgt. Cara uttered the words ""I will shoot you""and acted as if he would make true of his words by trying to draw something from his left waist. Alarmed, he embraced Sgt. Cara and struggled with him as he (Cara) was trying to draw his gun from his waist. The knife he was using in slicing meat was unconsciously carried by him when he went out. While struggling with Sgt. Cara, somebody hit his head. He unconsciously thrusted the knife at Sgt. Cara in reaction to the blow he received. Afterwards, Sgt. Cara fell on the ground. He went near the house of his parents-in-law and waited for policemen who later handcuffed him. He was brought to the hospital for the treatment of his injured head."[3]

On September 3, 1997 the trial court promulgated its judgment of conviction and disposed as follows:

> "WHEREFORE, finding the accused, Carlito Arizala y Valdez, GUILTY beyond reasonable doubt of the offense of Murder, he is hereby sentenced to suffer the capital punishment of DEATH by lethal injection, to pay the heirs of Sgt. Rolando Cara the sums of P51,000.00 as actual damages, of P50,000.00 as civil indemnity and the costs of the suit.
>
> SO ORDERED."[4]

In this automatic review, herein accused-appellant raised the following assignment of errors, to wit:

I

THE LOWER COURT ERRED IN NOT APPRECIATING THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE IN FAVOR OF ACCUSED-APPELLANT.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

II

GRANTING THAT ACCUSED-APPELLANT DID NOT ACT IN SELF-DEFENSE, THE LOWER COURT ERRED IN CONCLUDING THAT THE ATTACK UPON THE VICTIM WAS PERPETRATED WITH TREACHERY, THUS, QUALIFYING THE KILLING TO MURDER.

We find no merit in this appeal.

We have carefully reviewed the testimonies of both witnesses for the prosecution and the defense and we are convinced that the guilt of herein accused-appellant has been proved beyond reasonable doubt.

It is axiomatic that where an accused pleads self-defense, he thereby admits authorship of the crime, as in this case. Consequently, the burden of proving the guilt of the accused which lies upon the prosecution is shifted to the accused who must prove the elements of his defense.[5] He has to justify the taking of the victim's life by the standards of the law for such absolution.[6] Otherwise, having admitted the killing, conviction is inescapable.[7] It is necessary that self-defense must be alleged with certainty coupled with a strong, clear, sufficient and convincing proof that the killing is justified. Accordingly, the accused-appellant must convincingly prove the essential elements of self-defense: (1) unlawful aggression on the part of the victim; (2) reasonable necessity to prevent or repel the attack; and (3) lack of sufficient provocation on the part of the person defending himself.[8] Although all three elements must concur, self-defense must rest on proof of unlawful aggression on the part of the victim.[9] If no unlawful aggression attributed to the victim is established, there can be no self-defense, complete or incomplete.[10] Unlawful aggression is a condition sine qua non for the justifying circumstance of self-defense to apply.

In pleading self-defense, accused-appellant argues that since the victim is a Senior Police Officer 4 of the P.N.P. of Bayombong, Nueva Vizcaya, the latter's act of attempting to draw his gun from his waist was not just a mere threatening stance or posture or intimidating attitude. It already posed an imminent danger to his life and limb that caused him to react immediately, otherwise he would have been the victim. There was also a reasonable necessity to defend himself because when he stabbed the late Sgt. Cara, he only acted according to what an ordinary prudent and reasonable man would do. It was the deceased who provoked accused-appellant to defend himself when the former uttered invectives implicating him in the illegal logging activities in Salvacion, Bayombong, Nueva Vizcaya.

The claim has no merit. As correctly pointed out by the Solicitor General in the People's Brief:

> "Two witnesses to the incident, namely, Manolito de Guzman and Reynaldo Barut whose testimonies have not been validly assailed on the ground of improper motive, controverted appellant's version of the incident as they both testified that the stabbing of Sgt. Cara by appellant was not preceded by any argument or even conversation between them (TSN, 4/23/97, p. 8; 7/23/97, p. 9). According to the witnesses, they and Sgt. Cara were closely following each other on the way to Manolito's house when appellant suddenly appeared from behind and stabbed Sgt. Cara at the back as he said, "I hate all policemen" in Ilocano ("Kagura kayo amin nga polis") (TSN, 4/15/97, p. 4; 7/30/97, p. 6). The force of the attack caused Sgt. Cara to fall on the ground but appellant continued to stab him at the back (TSN, 7/23/97, p. 8), inflicting upon him no less that fourteen (14) stab wounds. Nine (9) of these were fatal, of which seven (7) were inflicted at the back."[11]

Even if we give credence to accused-appellant's version of the events, specifically that the deceased Sgt. Cara hurled invectives at him and moved as if to draw something from his waist, we are unable to establish a finding of unlawful aggression on the victim's part. Unlawful aggression presupposes an actual, sudden, unexpected attack or imminent danger thereof, not merely a threatening or intimidating attitude and the accused must present proof of positively strong act of real aggression.[12] Here, aside from the accused-appellant's uncorroborated and

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

self-serving claims, the unlawful aggression on the part of the victim was not proven. For one, the locus criminis was a public street where people came and went about freely. Thus, it would seem unusual that the victim, who was then the deputy chief of police in their place, would openly accuse the appellant without resorting to normal police procedure in apprehending purported violators of the law. More importantly, other than accused-appellant's self-serving allegation, the latter failed to prove that the victim was armed with his service firearm. The prosecution witness Manolito de Guzman positively testified that though the deceased Sgt. Cara was in police uniform the latter did not have a firearm or a holster for the same[13] and, indeed, none was retrieved from the scene of the crime. Finally, as pointed out in the People's Brief, the nature and the location of the wounds sustained by the deceased, numbering 14 stab wounds, nine (9) of which were fatal and of the nine (9) fatal wounds, seven (7) were found at the back, constitute physical evidence that strongly militates against accused-appellant's pretensions of the incident.[14] The presence of the large number of wounds inflicted on the victim clearly indicates a determined effort on the part of the accused-appellant to kill his prey[15] and belies the reasonableness of the means adopted to prevent or repel an unlawful act of an aggressor which is an element of self-defense.

Accused-appellant could not even explain why he had to inflict 14 stab wounds on the body of the deceased. His vain effort to exculpate himself from the consequences of his act can be gleaned from his own evasive testimony on the witness stand, viz:

> "CONTINUATION OF THE CROSS-EXAMINATION BY ATTY. ORDOÑEZ:
>
> Q. Were you drunk after the 5 bottles were consumed together with the others mentioned by you?
>
> A. Just moderate, sir.
>
> Q. Are you saying that after consuming 5 bottles of gin you were still in your right senses?
>
> A. I could still think normally.
>
> Q. Considering that you have drunk moderately and that you were still feeling normal as you have stated, you knew what you were doing, is it not?
>
> A. Yes, sir.
>
> Q. How many times did you stab the late Mr. Cara?
>
> ATTY. CORNEJO:
>
> The best evidence is the medical certificate.
>
> COURT:
>
> He is on cross-examination, let him answer.
>
> A. I do not know how many times, sir because I was mixed with nervousness.
>
> Q. You do not know that you stabbed Mr. Rolando Cara once?
>
> A. I do not know, sir.
>
> Q. You also did not know if you have stabbed him several times?
>
> A. Yes, sir.
>
> Q. You do not know that you stabbed him at his back?

A. How could I stab him at the back when we were facing with each other as we were confronting?

Q. With that statement you want to impress the court that you only stabbed him frontally?

ATTY. CORNEJO:

Objection.

COURT:

Let it be translated first.

A. When I embraced him in order to prevent him to draw his gun I did not know if I was able to stab him at the back or in front, sir.

PROSECUTOR:

Q. Are you claiming that you still entertain doubts up to now as to whether you stabbed him frontally or at his back?

A. I was not sure whether I stabbed him at the back or in front, sir.

Q. But you are sure that you were able to stab him, is it not?

A. In order to save my life because he might kill me what I did was to stab him, sir."[16]

Notwithstanding the fact that herein accused-appellant exhibited a small scar (1 1/2 inches long) caused by an instrument on his head shortly after the stabbing incident, the trial court did not believe that it was inflicted by the deceased Cara. It held that:

> "True, the accused claimed to have been hit on his head while he was allegedly struggling with the victim. How the victim was able to do so with the number of fatal wounds sustained by him had not been explained. The Court cannot believe that Sgt. Cara had any opportunity to retaliate due to the sudden, unexpected and overpowering attack launched by the accused against him. Had the victim been able to use a hand to hit the accused's head, he would have been able to draw the alleged gun and use it to fire at the accused, if, indeed, he had a gun. There is thus the possibility that (1) the accused inflicted self-injury or (2) his wound was inflicted by policemen who responded to the reports of De Guzman and Reynaldo Barut. The latter is more probable because when De Guzman returned to the locus criminis after running away, he saw the accused already lying on the ground in a prone position. Watching him were Maj. Sta. Ines of the P.N.P. and SPO1 Mario Lopez. (TSN, April 30, 1997, p. 2-3) As the accused was said to have uttered his hatred at policemen before stabbing Sgt. Cara, it is not improbable that he resisted arrest and incurred the wound while resisting. He is now taking advantage of the wound not inflicted by Cara to sell the theory of self-defense."[17]

From the foregoing considerations, we do not doubt that herein accused-appellant's narration of the incident deserves scant consideration from this Court. Like alibi, self-defense is inherently a weak defense which, as experience has demonstrated, can easily be concocted.[18]

In support of his second assigned error, accused-appellant claims that even assuming that he did not act in self-defense, his act of stabbing the victim without giving the latter the opportunity to undertake any form of defense or evasion did not justify the finding of alevosia. It contended that there was no evidence that he consciously and deliberately adopted such mode of assault to insure its execution without risk to himself; and the fact that the fatal wounds were found at the back of the deceased does not by itself compel a finding of treachery; for the circumstances that would qualify a killing to murder must be proven as indubitably as the crime itself.

Accused-appellant also imputes doubt as to whether Manolito De Guzman, one of the prosecution's eyewitnesses,

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

really witnessed the commencement of the attack against the victim since it was not farfetched to conclude that before the actual attack De Guzman's attention was somewhere else. He asserts that if an eyewitness did not see how the attack commenced treachery cannot be considered against him; for where an eyewitness saw the incident already in progress, said eyewitness cannot be considered as having testified as to how it begun.

Anent this issue, we uphold the trial court's finding that Sgt. Cara was killed with treachery, thus qualifying the crime to murder. Settled is the rule that an unexpected and sudden attack under circumstances which render the victim unable and unprepared to defend himself by reason of the suddenness and severity of the attack, constitutes alevosia.[19] So that even if a victim was face to face with his assailant, if the attack was so sudden and unexpected and the victim was not in a position to offer an effective defense, alevosia can still be taken against the accused.[20] The essence of treachery is the swift and unexpected attack on an unarmed victim without the slightest provocation on the part of the latter.[21]

Here, not only was it not proven that there was provocation on the part of the hapless victim but the attack at the back of the victim was made in such a manner that would make it difficult for the deceased to offer an effective defense against his aggressor. As aptly observed by the trial court "Sgt. Cara had (no) opportunity to retaliate due to the sudden, unexpected and overpowering attack launched by the accused."[22] The manner of attack afforded the hapless, unarmed and unsuspecting victim no chance to resist or to escape. The fact that the attack was preceded by the statement "vulva of your mother you policemen, I hate all of you," cannot be considered a sufficient warning for the deceased to offer adequate defense for the treacherous attack. For even when the victim is warned of the danger to his person if the execution of the attack made it impossible for the victim to defend himself or to retaliate, treachery can still be appreciated,[23] as in this case. The prosecution clearly established the manner by which accused-appellant commenced his murderous attack on the unsuspecting victim, as testified to by Manolito De Guzman thus:

> "Q Did I get you right last hearing when you said that you saw the accused thrushed(sic) a bladed weapon on the deceased you just looked back at the deceased Cara?
>
> A Yes, sir.
>
> Q That moment or immediately when you looked back at the deceased Cara you called him inside your house, is that right?
>
> A Yes, sir.
>
> Q Before looking back at the deceased, what were you looking at?
>
> A In front of me, sir.
>
> Q You were then looking at the door, is that right?
>
> A No, sir.
>
> Q What were you looking at that time?
>
> A The path going to the door, sir.
>
> Q And according to you while in that position and before looking back at the deceased Cara and before the incident you did not notice accused Arizala came out of his house, is that right?
>
> A Yes, sir because it was so sudden that he came out from his house.
>
> Q What you noticed of the accused was when he entered his house and arrived in his house?

A Yes, sir. When he arrived he went directly inside his house.

Q You did not notice him anymore when he entered his house, is that right?

A When we were about to enter the house it was so sudden as if he jumped.

Q That was the last moment you saw him after he entered his house, is that right?

A Yes, sir.

Q When he entered his house, he was so fast in entering his house, is that correct?

A No, sir.

Q You want us to understand that he was just walking in entering his house?

A Yes, sir.

Q Did I get you right when you said that prior to the arrival of the deceased Cara and the accused you never saw them looking at each other face to face?

A Yes, sir.

Q And the deceased Cara was in uniform, is that right?

A Yes, sir, he was in uniform with a cap.

Q And he was with him his firearm, is that right?

A No, sir.

Q Are you sure of that that he was not armed at that time?

A Yes, sir.

Q You are certain that the deceased and the accused never looked at each other eye to eye?

A I did not see them see eye to eye, sir.

Q Neither did you notice that the deceased looked at the accused when the latter arrived and went inside his house?

A Yes, sir.

Q Neither did you see the accused looked at the deceased when he arrived and before entering his house?

A Yes, sir.

Q Do you know whether the accused and the deceased know each other?

A I do not know, sir.

Q Do you know the purpose of the deceased in going to the house – to your house at that time?

A No, sir because we did not talk with each other.

x x x

COURT:

x x x

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Q Before the incident took place did you have a talk with the deceased Cara?

A None, sir.

ATTY. CORNEJO:

Q You want us to understand that it was only at that time that he called upon you that you talked on something?

A Yes, sir.

Q The deceased ordered you to look on some activities of the accused at that time?

A No, sir because we did not yet talk.

Q According to you it was at that moment when you looked back at the deceased to call him to go with you that you saw Arizala thrushed(sic) a weapon on the deceased, is that right?

A Yes, sir.

Q You mentioned the accused even pushed the deceased, did you see that?

A Yes, he pushed him, sir.

Q Which came ahead the pushing or the thrushing of the bladed weapon on the deceased?

A The pushing, sir, (witness demonstrating the act of pushing).

Q The deceased being pushed by the accused fell down on the ground, is that right?

A Yes, sir. He fell. (witness demonstrating a stooping position).

Q That was the first thrushed(sic) done by the accused?

A Yes, sir.

Q What happened when the deceased fell on his back?

A He fell like this (witness turned his body towards the left as if making a thrust with his right hand), sir.

Q Did the deceased never try to defend himself while the accused was thrushing the weapon at him while the deceased fell on his back?

A He could not defend himself because the thrush was at his back, sir. (witness is pointing at his back right side just below the right shoulder).

Q Did you not help the deceased while he was on that position?

A I did not help him because I was taken a back, sir.

Q That made you run away, is that right?

A When I said, “Why did you do that to my visitor?” he made a motion of thrushing and I ran away, sir.

Q But the accused never ran after you?

A No, sir.”[24]

In convicting herein accused-appellant, the trial court imposed the maximum penalty of death by lethal injection. It opined that the generic aggravating circumstance of “with insult or in disregard of the respect due the offended

party on account of his rank" as a police sergeant or Senior Police Officer 4 attended the commission of the crime of murder. It held that the presence of the aggravating circumstance was proven by the fact that accused-appellant Arizala knew that the deceased was a police sergeant; that such knowledge of the rank of the victim is further shown by his utterance that he hated policemen before he stabbed the deceased Cara; and that since both of them were residents of the same barangay, accused-appellant could be presumed to have known the presence and the rank of the victim as police sergeant for said victim would often wear his uniform and carry a gun.

We are not persuaded. For the generic aggravating circumstance of "with insult or in disregard of the respect due the offended party on account of his rank" to aggravate a penalty in the commission of a crime there must be proof which would clearly demonstrate that the accused deliberately intended to act with insult or in disregard of the respect due the victim on account of his rank, which is the essence of said aggravating circumstance.[25] There must be proof of the specific fact or circumstance that the accused deliberately intended to insult the rank of the victim.[26] Otherwise this generic aggravating circumstance may not be taken into consideration to aggravate the penalty. Courts must proceed with more care where the possible punishment is in its severest form – death - for the reason that the execution of such sentence is irrevocable.[27]

The fact that herein accused-appellant could not credibly feign ignorance of the rank of the deceased or that he articulated his hatred against all policemen in general does not by itself suffice to prove that indeed accused-appellant deliberately intended to act with insult or in disregard of the respect due the offended party by reason of his rank as a police officer. It cannot just be demonstrated on circumstances that accused-appellant knew the rank or office of the victim especially so when no prior facts were established to show why accused-appellant would harbor so grave a grudge against the victim simply because he was a man in police uniform. A spontaneous utterance of anger or hate, which is naturally harbored by any assailant, is not necessarily an expression of insult or disregard owing to a victim's rank. The circumstances aggravating the penalty of a crime must be proved as conclusively as the act itself, mere suppositions or presumptions being insufficient to establish their presence.[28] Any doubt must be resolved in favor of the accused-appellant.

There being neither aggravating nor mitigating circumstance that attended the commission of the crime of murder, a modification of the penalty of death to reclusion perpetua is in order.

Relative to the monetary liability of accused-appellant, the Court in line with prevailing jurisprudence,[29] finds the award of P50,000.00 as death indemnity in order. The award of P51,000.00 for the burial and other expenses relative to the death of the victim in this case which were not objected to by the opposing counsel for the accused-appellant,[30] may be deemed reasonable.

WHEREFORE, the appealed decision of September 3, 1997 of the Regional Trial Court of Bayombong, Nueva Vizcaya, Branch 27, in Criminal Case No. 3161 finding accused-appellant CARLITO ARIZALA guilty beyond reasonable doubt of the crime of murder under Article 248 of the Revised Penal Code, as amended is AFFIRMED with the MODIFICATION that he is hereby sentenced to suffer the penalty of reclusion perpetua, and is further ordered to indemnify the heirs of the victim in the amount of P50,000.00 as death indemnity and P51,000.00 for actual damages.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Mendoza, Panganiban, Purisima, Pardo, Buena, and De Leon, Jr., JJ., concur.

Bellosillo,Kapunan, Quisumbing, and Ynares-Santiago, JJ., on official business abroad.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[1] Record, p. 1.

[2] Rollo, pp. 76-77.

[3] Rollo, pp. 54-55.

[4] Record, p. 93.

[5] People v. Noay, G.G. No. 122102, September 25, 1998; People v. Borreros, G.R. No. 125185, May 5,1999.

[6] People v. Umadhay et al., G.R. No. 119544, August 3, 1998.

[7] People v. Aguilar, 292 SCRA 349 citing People v. Galera, G.R. No. 1211377, August 15, 1997; People v. Molina, 292 SCRA 742; People v. Amamangpang, 291 SCRA 638; Peole v. Unarce, 270 SCRA 756.

[8] People v. Navarro, G.R. No. 125538, September 3, 1998; People v. Villamor, 292 SCRA 384.

[9] People v. Aguilar, supra. see Note 7.

[10] People v. Antonio, G.R. No. 118311, February 19, 1999; People v. Ebrada, G.R. No. 122774, September 25, 1998.

[11] Rollo, p. 79.

[12] People v. Apongan, 270 SCRA 713.

[13] TSN, April 29, 1997, p. 3 and May 15, 1997, pp. 4-5.

[14] People v. Borreros, G.R. No. 125185, May 5, 1999.

[15] People v. Piamonte, G.R. No. 91999, February 25, 1999; Also see People v. Noay, supra. Note 5; People v. Takbobo, 224, SCRA 134; People v. Morato, 224, SCRA 361; Guevarra v. CA, 187 SCRA 484.

[16] TSN, July 2, 1997, pp. 2-3.

[17] Record, p. 91.

[18] People v. Noay, supra. see Note 5.

[19] People v. Iligan, G.R. No. 128286, July 20, 1999.

[20] Ibid. citing People v. Maribao, 279 SCRA 70; People v. Sancholes, 271 SCRA 527; People v. Dinglasan, 267 SCRA 26; People v. Tampon, 258 SCRA 115.

[21] People v. Jaberto et al., G.R. No. 128147, May 12, 1999 citing People v. Oliano, G.R. No. 119013, March 6, 1998; also see People v. Rebamontan, G.R. No. 125318, April 13, 1999; People v. Andres, G.R. No. 122735, September 25, 1998; People v. Navarro, G.R. No. 129566, October 7, 1998; People v. Villamor, 284 SCRA 184; People v. Sumalpong, 284 SCRA 464.

[22] Record, p. 91.

[23] People v. Belaro, G.R. No. 99869, May 26, 1999 citing People v. Landicho, 258 SCRA 1 (1996).

[24] TSN, April 29, 1997, pp. 2-5.

[25] People v. Verchez, 233 SCRA 174; see People v. Peña, 291 SCRA 606 (1998).

[26] People v. Talay, 101 SCRA 332; People v. Peña, 291 SCRA 606.

[27] People v. Albert, 251 SCRA 136; see People v. Esparas, 260 SCRA 539.

[28] People v. Derilo, 271 SCRA 633.

[29] People v. Pepe Iligan, G.R. No. 128286, July 20, 1999 citing People v. Peña, 291 SCRA 606; People v. Aringue, 283 SCRA 291, 307 (1997) further citing People v. Teehankee, Jr., 249 SCRA 110; Sulpicio Lines, Inc. v. CA, 246 SCRA 376.

[30] TSN, June 11, 1997, p. 6.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.